

THE
BERAR
REVENUE MANUAL

CONTAINING
THE LAND REVENUE CODE AND RULES
THEREUNDER.



FIRST EDITION.

Agpur:

1906.

NOTE.

THE rules in this Manual are based on a compilation made by Mr. Rustomji Faridoonji from the existing Revenue Circulars and Orders in force in 1861. In some cases the old orders have been modified, but the volume is, for the most part, intended merely to reproduce existing orders.

It is inevitable that in the course of such a compilation some mistakes or omissions should occur. These should be brought to notice when they are detected with a view to their correction.

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The Hyderabad Assigned Districts Land-Revenue Code, 1896.

Government of India, Foreign Department Notification No. 3068-I-B., dated Simla, the 2nd October 1896, as amended by subsequent Notifications Nos. 2831-I-B., dated the 27th July 1897, and 2838-I-B., dated the 26th July 1901.

In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879) and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to issue the following Code of provisions relating to Revenue-officers and the administration of the land-revenue in the Hyderabad Assigned Districts:

A Law to consolidate and amend the law relating to Revenue-officers and the administration of the land-revenue in the Hyderabad Assigned Districts.

WHEREAS it is expedient to consolidate and amend the law relating to Revenue-officers and the administration of the land-revenue in the Hyderabad Assigned Districts; It is hereby provided as follows:

CHAPTER I.

PRELIMINARY.

1. (1) These provisions may be called the Hyderabad Assigned Districts Land-revenue Code, 1896, and are hereinafter referred to as "this Law."

(2) This Law extends to the territories known as the Hyderabad Assigned Districts; and

(3) It shall come into force on such day as the Resident * may, by notification, direct.

2. (1) On and from that day the laws, rules and orders mentioned in the first schedule shall, subject to the other provisions of this section, be repealed to the extent specified in the third column thereof.

* Wherever the word 'Resident' occurs read 'Chief Commissioner' (Government of India's Foreign Department Notification No. 4246-I-B., dated the 11th September 1903).

(The Code came into force on the 1st January 1897 : R. O. Notification No. 335 of the 14th November 1896.)

Chap. I.

Secs. 1—2

Title, extent
and commence
ment.

Repeal.

Secs. 2—4. (2) Any law or document referring to any law, rule or order hereby repealed shall be construed as referring to this Law.

(3) All rules prescribed, appointments made, securities furnished, powers conferred, orders issued, notifications published, assessments fixed, determined, registered, sanctioned or declared, charges assessed, fines imposed, agreements executed or accepted, farms, leases or permissions granted, records prepared or altered, rights acquired, liabilities incurred, times or places appointed and other things done shall, so far as they are consistent with this Law, be deemed to have been respectively prescribed, made, furnished, conferred, issued, published, fixed, determined, registered, sanctioned, declared, assessed, imposed, executed, accepted, granted, prepared, altered, acquired, incurred, appointed and done hereunder.

(4) Such portions of the rules and orders mentioned in the third part of the said schedule as referred to matters in regard to which the Resident is empowered to make rules or give instructions under any of the provisions of this Law, and in so far as they are consistent with this Law, shall be deemed to be rules made or instructions given under this Law until they are altered or superseded by rules made or instructions given under this Law.

(5) All proceedings pending at the commencement of this Law which have been commenced under any law, rule or order hereby repealed, shall be deemed to have been commenced under this Law, and shall thereafter be conducted in accordance with the provisions of this Law.

Saving.

3. Nothing in this Law shall interfere with or affect any rights accrued or hereafter accruing under the Berar Forest Law.

Definitions.

4. In this Law, unless there is anything repugnant in the subject or context,—

(1) “Revenue-officer” means any officer of any rank whatsoever employed in or about the business of the land-revenue or of the surveys, assessments, accounts or records connected therewith :

(2) "Deputy Commissioner" means the Deputy Commissioner of the district :

(3) "land" includes the sites of villages, towns and cities ; it also includes trees, growing crops and grass, fruit upon, and juice in, trees, rights of way, ferries, fisheries, and all other benefits to arise out of land and things attached to the earth, or permanently fastened to things attached to the earth, and also shares in, or charges on, the revenue or rent of villages, or other defined portions of territory :

(4) "survey-number" means a portion of land formed into, or recognized as, a survey-number at the last preceding survey, or subsequently recognized as such by the Deputy Commissioner or any other officer authorized in this behalf :

(5) "recognized division of a survey-number" means a division of a survey-number recognized at the last preceding survey, or subsequently recognized as such by the Deputy Commissioner or any other officer authorized in this behalf :

(6) "building-site" means a definite portion of land held for building purposes, whether any building be actually erected thereupon or not, and includes the open ground or court-yard enclosed by, or adjacent to, any building erected thereupon :

(7) "boundary-mark" means any erection, whether of earth, stone or other material, and also any hedge, vacant strip of ground or other object, whether natural or artificial, set up, employed or specified by the Deputy Commissioner or other Revenue-officer having authority in that behalf, in order to designate the boundary of any land :

(8) "to hold land" means to be legally invested with a right to the possession and enjoyment or disposal of such land, either immediate or at the termination of tenancies legally subsisting :

(9) "holder" or "landholder" means the person in whom a right to hold land is vested whether solely on his own account, or wholly or partially in trust for another person, or for a class of persons, or for the public ; and includes a mortgagee vested with a right to possession :

(10) "holding" means the whole land over which such right extends under any single original title: Provided that, when land has been divided into villages or survey-numbers or has been separately assessed at any survey-settlement made or confirmed under this Law or any law, rule or order hereby repealed, the land of each village, survey-number or assessed portion shall be regarded as held under a separate title:

(11) "superior holder" means the person who, for the time being is, or but for some special exemption would be, primarily responsible to the Government for the payment of the revenue or rent on account of alienated land, or, where more than one person is responsible, the person whose responsibility has been recognized by the Deputy Commissioner under the provisions of this Law:

(12) when in the case of alienated land the highest right in respect of the occupation of the land and the highest right in respect of the receipt of the revenue or rent of the land do not vest in the same person, the holder who has the highest right in respect of the occupation of the land is called the "inferior holder":

(13) "tenant" means a person who holds land from another person, called his "landlord," and is, or but for a special contract would be, liable to pay rent for the land to that other person; but does not include a superior holder, an inferior holder or an occupant:

(14) "occupant" means a holder of unalienated land or, where there are more holders than one, the holder having the highest right in respect of any such land, or, where such highest right vests in more holders than one, any one of such holders; and when there are more occupants than one in a single holding, each of such occupants is also called a "co-occupant":

Explanation.—A lessee under the Waste-land Rules of 1865, 1876, 1879 or 1880 is not an occupant of the lands leased to him within the meaning of this definition:

(15) "registered occupant" means the person for the time being primarily responsible to the Government under the provisions of this Law for the payment of the revenue or rent on account of unalienated land:

(16) "occupancy" means the sum of the rights vested in an occupant as such:

(17) "alienated" means transferred, so far as the rights of the Government to receive the rent or land-revenue are concerned, wholly or partially, to the ownership of any person :

Explanation — Lands leased under the Waste-land Rules of 1865, 1876, 1879 or 1880 are "alienated" within the meaning of this definition :

(18) "agricultural year" and "revenue-year" mean, respectively, the year commencing on such date as the Resident may, in each case, from time to time by notification appoint, and "year" means the year commencing on the first day of April :

(19) references to enactments of the British Indian Legislature shall be deemed to refer to such enactments as applied for the time being by the Governor-General in Council to the Hyderabad Assigned Districts :

(20) "legal practitioner" means a person who is authorized to practise under the rules regulating legal practitioners in the Court of the Resident and the Courts subordinate thereto, or under the rules regulating legal practitioners in the Court of the Judicial Commissioner and the Courts subordinate thereto :

(21) "notification," with its grammatical variations and cognate expressions, means a notification published by the authority of the Resident in the * Hyderabad Residency Orders :

(22) "village-cess" includes any cess, contribution or due which is customarily leviable within a village and is neither a payment for the use of private property or for personal service nor imposed by or under any law, rule or order for the time being in force :

(23) "land-revenue" includes all payments, whether in money or in kind, due to the Government on account of a specified parcel of land or specified benefits arising out of land, and also includes any rent, cess or rate fixed with reference to land or other immoveable property or to interests therein and imposed by the Government: and

(24) "rent" means whatever is payable to a landlord in money, kind or service by a tenant on account of the use or occupation of land by him.

* Wherever the words 'Hyderabad Residency Orders' occur now read 'Central Provinces Gazette' (Government of India's Foreign Department, Notification No. 4246 I.-B., dated the 11th September 1903).

Secs.
5—10.

CHAPTER II.

APPOINTMENT AND POWERS OF REVENUE-OFFICERS.

Chief controlling authority in revenue matters.

5. The Resident shall, subject to the control of the Governor-General in Council, be the chief controlling Revenue-authority.

Revenue officers.

6. Besides the Resident there shall be the following classes of Revenue-officers :

- (1) the Commissioner,
- (2) Deputy Commissioners,
- (3) Assistants,
- (4) Tahsildars, and
- (5) other executive officers.

Subordinate of revenue-officers.

7. All Revenue-officers shall be subordinate to the Resident, all Revenue-officers below the rank of Commissioner to the Commissioner, and all Revenue-officers employed in a district to the Deputy Commissioner.

Commissioner.

8. The Commissioner shall be appointed by the Governor-General in Council and shall exercise the powers and perform the duties conferred and imposed on the Commissioner by this Law, or any law, rule or order for the time being in force, and, so far as is consistent therewith, all such other powers and duties within the Hyderabad Assigned Districts as may from time to time be prescribed by the Resident.

Division of the Hyderabad Assigned Districts into districts.

9. (1) The Hyderabad Assigned Districts shall be divided into such districts, and each district shall consist of such taluks and each taluk of such villages as the Resident may from time to time by notification prescribe.

(2) The existing boundaries of districts and taluks shall remain as they are, for the purposes of this Law, until altered.

Deputy Commissioner of the district

10. The Resident shall appoint in each district an officer who shall be the Deputy Commissioner and may exercise, throughout the district, all the powers and perform all the duties conferred and imposed on a Deputy Commissioner by this Law or any law, rule or order for the time being in force, and shall in all matters not specially provided for by any law, rule or order act according to the instructions of the Resident

11. The Resident may appoint to each district so many Assistants as he may deem expedient; and such Assistants shall be called "Assistant Commissioners," "Extra Assistant Commissioners," "Attachés," or by such other designation as may be expressed in the order of their appointment.

12. (1) Subject to the general orders of the Resident, the Deputy Commissioner may place any of his Assistants in charge of the revenue-administration of one or more of the taluks in his district, or may himself retain charge thereof.

Duties and
powers of
Assistants.

(2) An Assistant thus placed in charge shall, subject to the provisions of this Law, exercise such of the powers conferred, and perform such of the duties imposed, upon the Deputy Commissioner by this Law or any law, rule or order for the time being in force, so far as regards the taluk or taluks in his charge, as the Commissioner may from time to time direct:

Provided that the Deputy Commissioner may, whenever he shall think fit, direct any such Assistant not to exercise certain powers or perform certain duties, and may reserve the same to himself or assign them to any other Assistant subordinate to him.

(3) To such Assistants as it may not be possible or expedient to place in charge of taluks the Deputy Commissioner shall, under the general orders of the Resident, assign such particular powers and duties as he may from time to time deem fit.

13. (1) If the Deputy Commissioner is disabled from performing the duties of, or for any reason vacates, his office or leaves his district or dies, his Assistant of highest rank present in the district shall, unless other provision has been made by the Resident, succeed temporarily to the office, and shall be held to be the Deputy Commissioner until the Deputy Commissioner resumes charge of the district, or until the Resident appoints a successor to the former Deputy Commissioner and such successor takes charge of the office.

Deputy Com-
missioner of the
district in case
of temporary
vacancy.

(2) An officer whose principal office is different from that of an Assistant and who is an Assistant for special purposes only, shall not be deemed to be an Assistant for the purposes of this section.

Secs.
14—17.

Tahsildars.

14. (1) The officer entrusted with the local revenue-administration of a taluk shall be called the Tahsildar, and shall be appointed by the Resident.

(2) The powers and duties of the Tahsildar shall be such as may be expressly conferred or imposed upon him by this Law or by any law, rule or order for the time being in force, or as may be imposed upon, or delegated to, him by the Deputy Commissioner, under the general or special orders of the Resident. Every Tahsildar in office at the commencement of this Law shall continue, until such time as is otherwise directed by competent authority, to exercise the powers and to perform the duties at present exercised and performed by such an officer.

Employment of
subordinates by
Tahsildars.

15. The Tahsildar may, subject to such general orders as may from time to time be passed by the Commissioner or by the Deputy Commissioner, employ any of his subordinates to perform any portion of his ministerial duties :

Provided that all acts and orders of his subordinates when so employed shall be liable to revision and confirmation by such Tahsildar.

Tahsildar in case
of temporary
vacancy.

16. If the Tahsildar is ~~disabled~~ disabled from performing the duties of, or for any reason vacates, his office or leaves his taluk or dies, his subordinate of the highest rank on the spot shall succeed temporarily to the office, and shall be held to be the Tahsildar until the Tahsildar resumes charge of the taluk or until such time as a successor is duly appointed and takes charge of the office.

Other executive
officers.

17. (1) The Resident may appoint such other officers and invest them with such powers as may from time to time be necessary to give effect to the provisions of this Law.

(2) Such officers shall discharge such duties and be subordinate to such authorities as, in the absence of any provision in this Law, the Resident may prescribe.

18. The Resident may appoint one and the same person, being otherwise competent according to law, to any two or more of the offices provided for in this Chapter, or confer or impose upon an officer of one denomination all or any of the powers or duties of any other officer or officers within certain local limits or otherwise as may seem expedient.

19. (1) The appointment of all officers mentioned in sections 5 to 14 (both inclusive), 17 and 18 shall be notified.

Notification of
certain appoint-
ments and pow-
ers of acting
officers.

(2) Any person appointed to act temporarily for any such officer shall exercise the same powers and perform the same duties as might be exercised or performed by the officer for whom he is so appointed to act.

(3) Appointments required to be notified under this section shall be notified in the Hyderabad Residency Orders or in the *Gazette of India*.

20. Subject to any instructions given under section 216, and unless the Resident shall otherwise direct,—

Establishments.

- (a) all members of the Commissioner's establishment shall be appointed by the Commissioner;
- (b) all members of the establishment of the Deputy Commissioner and ~~all~~ members of the establishments of officers subordinate to the Deputy Commissioner shall be appointed by the Deputy Commissioner; and
- (c) all members of the establishment of an officer appointed under section 17 and not subordinate to the Deputy Commissioner shall be appointed by such officer as the Resident may direct:

Provided that any officer empowered to make appointments under this section may delegate so much of his power in this behalf as he may deem fit to any subordinate officer, but subject to the retention by him of a right of revision at any time of any appointment that may be made by such subordinate officer.

Secs.
21—23.

CHAPTER III.

THE SECURITY TO BE FURNISHED BY CERTAIN REVENUE-OFFICERS AND THE LIABILITY OF PRINCIPALS AND SURETIES.

Resident
to direct
what officers
shall furnish
security, and to
what amount.

21. (1) The Resident may direct that such Revenue-officers as he deems fit shall, previously to entering upon their office, furnish security to such amount as he may in each case think expedient, either by deposit of Government paper duly endorsed, accompanied by a power to sell, or in the form contained in the second schedule, or in such other form as he may from time to time prescribe.

(2) The amount for which such security shall be furnished may be varied, from time to time, by order of the Resident, who shall also determine the number of sureties to be required.

Fresh or additional security.

22. The Deputy Commissioner or other officer authorised by the Resident in this behalf may, at any time after security has been given by a Revenue-officer subordinate to him, if it appears to him that the security taken is unsatisfactory, or if the officer is transferred to an office for which larger security is required, or for other sufficient reason, demand fresh or additional security, and, in case of the officer failing to give such security within one month after its being required of him, may suspend or dismiss him :

Provided that no greater security shall be demanded than is required by the orders of the Resident under the last foregoing section :

Provided, also, that, in the event of a Revenue-officer who has been required to furnish security owing to his transfer to an office for which larger security is required, failing to furnish the required security, he may be allowed to revert to his former post, if any, instead of being suspended or dismissed.

Demands for
money, papers
or property, and
confinement in
default of de-
livery.

23. (1) The Deputy Commissioner, or any other officer deputed by the Deputy Commissioner in this behalf, shall, in all cases in which the Government may have a claim on any Revenue-officer, or on any person formerly employed as such in the district, for public

moneys or papers or other Government property, by order in writing under his official seal, if he uses one, and signature, require the moneys or papers or property detained to be delivered to the person bearing the said order either immediately or on such date and at such place as the order may specify.

(2) If the officer or other person aforesaid shall not deliver the moneys, papers or property as directed in the order, the Deputy Commissioner may cause him to be apprehended, and may send him with a warrant in the form contained in the third schedule to be confined in the civil jail till he complies with the order :

Provided that no person shall be detained in confinement under any such warrant for a longer period than one calendar month.

24. (1) The Deputy Commissioner may also take proceedings to recover any public moneys due by any Revenue-officer in the same manner and subject to the same rules as are laid down in this Law for the recovery of arrears of land-revenue from defaulters, and for the purpose of recovering public moneys, papers or other property appertaining to Government, may issue a search-warrant and exercise all such powers with respect thereto as may be lawfully exercised by a Magistrate under the provisions of Chapter VII of the Code of Criminal Procedure, 1882.*

Public money recoverable as arrears of land-revenue and by issue of search warrant, and persons in possession of public moneys, papers and property bound to give them up.

(2) It shall be the duty of every person in possession of public moneys, papers or other property appertaining to the Government, in regard to which he knows or has reason to believe that a search-warrant has been issued under the provisions of this section, to make over the same forthwith to the Deputy Commissioner, and every person knowing where any such property is concealed shall be bound to give information of the same to the Deputy Commissioner.

25. The surety or sureties of such officer or other person as is aforesaid, who may enter into a bond in the form contained in the second schedule, or in any other form perscribed by the Resident, shall be liable to be proceeded against jointly and severally in the same

Liability of sureties.

* See now the Code of Criminal Procedure, 1898 (Act V of 1898).

**Secs.
25—28.**

manner as his or their principal is liable to be proceeded against in case of default and notwithstanding such principal may be so proceeded against :

Provided that, in any case of failure to discharge or make good any sum of money due to the Government or to produce any property of Government of ascertained value, no greater sum than is sufficient to cover any loss or damage which the Government may actually sustain by the default of the principal, shall be recovered from the surety or sureties as the amount which may be due from such surety or sureties under the terms of the security bond executed by him or them :

Provided, also, that the said surety or sureties shall in no case be liable to imprisonment in default of producing public papers or property, if he or they pay into the Government treasury the whole or such part of the penalty named in the bond as may be demanded.

An officer or surety in jail may, by furnishing: certain security, obtain his release.

26. If an officer or other person as aforesaid, or his surety or sureties against whom a demand is made, shall give sufficient security in the form contained in the fourth schedule, the Deputy Commissioner shall cause such officer or surety, if in custody, to be liberated, and shall countermand the sale of any property that may have been attached, and restore it to the owner.

Liability of surety not affected by death of principal or by his taking a different appointment.

27. (1) The liability of the surety or sureties shall not be affected by the death of the principal, or by the appointment of the principal to a situation different from that which he held when the bond was executed, but shall continue so long as the principal occupies any situation in which security is required under section 21 or until his bond is cancelled.

Liability of heirs of deceased officer.

(2) The heirs of a deceased officer shall be liable by suit in the Civil Court for any claims which Government may have against the deceased, in the same way as they would be for similar claims made by an individual.

How surety may withdraw from further liability.

28. Any surety, whether under a separate or joint bond, may withdraw from his suretyship at any time on giving notice in writing to the officer to whom the bond has been given, that he desires so to withdraw; and his

33. When any Revenue-officer passes an order for fining, reducing, suspending or dismissing any subordinate officer, he shall record such order or cause the same to be recorded, together with the reasons therefor, in writing, under his signature, in the language of the district or in English. Any explanation which the subordinate officer accused may wish to offer, shall first be considered and reduced to writing in the language in which it is given, and shall form part of the record.

All such orders to be made in writing.

34. (1) No fine inflicted under this Chapter shall in any case exceed the amount of one month's pay of the office held by the offender at the time of the commission of the offence.

Fines.

(2) All fines inflicted under this Chapter may be recovered from the officer's pay.

35 (1) If the Deputy Commissioner, whether of his own motion or on appeal from a subordinate officer's order, passes an order for fining, reducing, suspending or dismissing any Revenue-officer subordinate to him whose monthly salary does not exceed thirty-five rupees, or if any authority superior to the Deputy Commissioner passes any such order against a Revenue-officer whose monthly salary does not exceed ninety-nine rupees, no appeal shall lie against such order :

Appeals barred in certain cases.

Provided that at least one appeal shall lie against every order made, of his own motion, by any authority other than the Resident for dismissing an officer whose monthly salary exceeds thirty-five rupees.

(2) No appeal shall lie against any order inflicting a fine not exceeding one rupee

36. (1) Nothing in this Chapter shall affect any officer's liability to a criminal prosecution for any offence with which he may be charged.

Liability to criminal prosecution not affected by this law officer may be suspended during trial and subsequently suspended, reduced or dismissed.

(2) Any officer subjected to such prosecution may be suspended pending the trial, and at its close may, upon a consideration of the circumstances brought to light during its course, be suspended, reduced or dismissed by any competent authority, whether he has been found guilty or not.

37. Except as provided in section 31, nothing contained in this Chapter shall be held to apply to patels and patwaris appointed under the Berar Patel and Patwaris Law, 1885,* or shall in any way affect that law.

Chapter not to apply to certain patels and patwaris.

Secs.
38—40.

CHAPTER V.

LAND AND LAND-REVENUE.

Lands.

All public roads, etc., and all lands which are not the property of others, belong to the Government.

38. All public roads, lanes and paths, the bridges, ditches, dykes and fences on or beside the same, the beds of rivers, streams, nalas, lakes and tanks, and all canals and water-courses, and all standing and flowing water, and all lands wherever situated, which are not the property of individuals, or of aggregates of persons legally capable of holding property, and except in so far as any rights of such persons may be established in or over the same, and, except as may be otherwise provided in any law for the time being in force, are, and are hereby declared to be, together with all rights in or over the same, or appertaining thereto, the property of the Government; and the Deputy Commissioner may, subject to the orders of the Commissioner, dispose of them in such manner as he may deem fit or as may be authorized by general rules sanctioned by the Resident, subject always to the rights of way and all other rights of the public or of individuals legally subsisting.

Lands may be assigned for special purposes, and when so assigned shall not be otherwise appropriated without sanction of the Commissioner.

39. Subject to the general orders of the Resident, the Deputy Commissioner whilst survey-operations are proceeding under Chapter VIII, and the Commissioner at any other time, may set apart lands, the property of the Government and not in the lawful occupation of any person or aggregate of persons in unalienated villages or unalienated portions of villages, for free pasturage for village-cattle, for grass reserves or for any public or municipal purpose; and lands assigned specially for any such purpose shall not be otherwise appropriated or assigned without the sanction of the Commissioner; and, in the disposal of land under section 38, due regard shall be had to all such special assignments.

Power to make rules as to grazing on Government waste-lands heretofore set apart for forests reserves and pasturage of village-cattle.

40. (1) Grazing on Government waste-lands, other than those which may have been, or which may be, declared to be State forests under the provisions of the Berar Forest Law, may be regulated by rules to be, from

time to time, either generally or in any particular instance, prescribed by the Deputy Commissioner with the previous sanction of the Commissioner.

(2) The decision of the Deputy Commissioner in any case of dispute as to such grazing shall be conclusive.

Trees.

41. (1) In unalienated villages or portions of villages of which the original survey-settlement has been completed before the commencement of this Law, the right of the Government to all trees in all alienated land, and in all unalienated land under occupation at the commencement of this Law, shall, in the absence of proof to the contrary, be presumed to have been conceded to the occupant or holder.

Concession of Government rights to trees in case of settlements completed before the commencement of this Law.

(2) The contrary may be proved by showing—

- (a) that the rights of the Government were specially reserved at the time of the survey-settlement, or, when permission to occupy has been granted subsequent to the completion of the survey-settlement, at the time of the grant of such permission, and that the rights so reserved have not been subsequently conceded to the occupant ;
- (b) that the trees have been planted and reared by, or under the orders of, or at the expense of, the Government, or at the expense of local funds, and that the rights of the Government have not been specially conceded to the occupant ;
- (c) that the land has not been alienated, that the trees were in existence when the last permission to occupy was granted, that the land on which the trees are growing, has not been occupied continuously for twenty years from the date of the last permission to occupy, and that the rights of the Government in the trees have not been purchased by or specially conceded to the occupant ; or
- (d) that the occupant has continuously recognized the rights of the Government.

**Secs.
42—45.**

Concession of Government rights to trees in the case of settlements completed after the commencement of this Law.

42. In unalienated villages or portions of villages of which the original survey-settlement shall be completed after the commencement of this Law, the right of the Government to all trees shall be deemed to be conceded to the occupant or holder of the land on which they are growing, except in so far as such right may be specially reserved at the time of the settlement.

Concession of Government rights to trees in case of land taken up after completion of settlement.

43. When permission to occupy land shall hereafter be granted after the completion of the survey-settlement of the village or portion of the village in which such land is situated, the said permission shall be deemed to include the concession of the right of the Government to all trees growing on that land which may not be specially reserved at the time of granting such permission.

Government trees and forests.

44. The right to all trees specially reserved under the provisions of the three last foregoing sections, and to all trees, brushwood, jungle or other natural product, wherever growing, except in so far as the same may be the property of individuals or of aggregates of individuals capable of holding property, vests in the Government; and such trees, brushwood, jungle or other natural product shall be preserved or disposed of in such manner as the Resident may from time to time direct.

Trees planted by or under the orders of the Government.

45. (1) All trees which have been planted and reared by, or under the orders of, or at the expense of, the Government, or at the expense of local funds, vest in the Government; but, in the event of such trees dying, or being blown down, or being cut down by order of the Deputy Commissioner, the timber shall become the property of the holder of the land on which they were growing, and the usufruct, including the loppings, of such trees shall also vest in the said holder:

Provided that no such trees shall be lopped except under the order of the Deputy Commissioner.

(2) If the holder of any land in which such trees are growing shall so desire and shall make an application to the Deputy Commissioner for the purpose at any time within two years after the commencement of this Law, the Deputy Commissioner shall deduct the strip of land covered by the said trees from his holding and remit thenceforward the proportionate amount of land-revenue

due upon the strip so deducted. Any strip of land so deducted shall, together with the trees upon it, vest thereafter in the Government.

46. (1) Any person who unauthorizedly fells and appropriates any tree or any portion thereof, or removes any other natural product which is the property of the Government, shall be liable to the Government for the value thereof, and such value shall be recoverable from him as an arrear of land-revenue, in addition to any penalty to which he may be liable under the provisions of this Law for the occupation of the land or otherwise, and notwithstanding any criminal proceedings which may be instituted against him in respect of his said appropriation of Government property or forest-produce.

Recovery of value of trees, etc., unauthorizedly appropriated.

(2) The decision of the Deputy Commissioner as to the value of any such tree, or portion thereof, or other natural product shall be conclusive.

47. In the case of trees, being the property of the Government and standing on alienated or occupied land, the holder or occupant shall, in the absence of any agreement to the contrary, be entitled to half the usufruct, including the loppings, of such trees :

Presumption as to Government trees standing on occupied lands.

Provided that the holder or occupant shall not be so entitled, where a remission of assessment has been granted in respect of the land occupied or injured by the trees, on account of such occupation or injury.

48. In the case of trees, being the property of individuals and standing on unoccupied Government land, the Government shall, in the absence of any agreement to the contrary, be entitled to half the usufruct, including the loppings, of such trees :

Presumption as to trees, the property of individuals, standing on Government lands.

Provided that nothing in this section shall prevent the Government from assessing the land occupied or injured by the trees and the recovery of the said assessment in lieu of the usufruct.

Land-revenue.

49. All land, whether applied to agricultural or other purposes and wherever situated, shall be liable to the payment of land-revenue to the Government according to the provisions hereafter contained in this Law,

All land liable to pay revenue unless specially exempted, and special exemption liable to be overruled

**Secs.
49—52.**

temporarily in
case of neces-
sity.

Liability of
alluvial lands
to land-revenue.

except such land as may be wholly exempted under the provisions of any special contract with the Government or of any law, rule or order for the time being in force.

50. All alluvial lands, newly-formed islands or abandoned river-beds, which vest, under any law, rule or order for the time being in force, in any holder of alienated land, shall be subject, in respect of liability to the payment of land-revenue, to the same privileges, conditions or restrictions as are applicable to the original holding in virtue of which such lands, islands or river-beds so vest in the said holder; but no revenue shall be leviable in respect of any such lands, islands or river-beds until or unless the area of the same exceeds half an acre and also exceeds one-tenth of the area of the said original holding.

Assessment of
land revenue in
cases of diluvion.

51. Every holder of land paying revenue in respect thereof shall be entitled, subject to such instructions as may be from time to time given in this behalf by the Resident, to a decrease of assessment if any portion thereof, not being less than half an acre in extent nor less than one-tenth of the holding, is lost by diluvion.

Description of
lands charge-
able with land-
revenue, and
effect, a re-
gard, assess-
ment, of varia-
tion of purpose
to which lands
are applied.

52. (1) The land-revenue leviable under the provisions of this Law shall be chargeable—

- (a) upon land appropriated for agricultural purposes;
- (b) upon land from which any other profit or advantage than that ordinarily acquired by agriculture is derived;
- (c) upon land appropriated for building-sites.

(2) The assessment fixed under the provisions of this Law upon any land appropriated for any one of the above purposes shall be liable to be altered and fixed at a different rate when such land is appropriated for any other purpose, notwithstanding that the term, if any, for which such assessment was fixed, may not have expired; and any land allowed by the Government to be held free of assessment on condition of its being appropriated to one purpose shall become liable to assessment if at any time it is devoted to any other purpose.

(3) The Deputy Commissioner may also, subject to any instructions given under section 216, prohibit the appropriation for certain purposes of any unalienated land liable to the payment of land-revenue, and may summarily evict any holder who may appropriate, or attempt to appropriate, the same to such prohibited purposes.

53. On all lands not wholly exempt from payment of land-revenue, and not within the local operation of an order made under section 83, the assessment of the amount to be paid as land-revenue shall be fixed at the discretion of the Deputy Commissioner, subject to the control of the Resident, and the amounts due according to such assessment shall be levied on all such lands: Assessment by whom to be fixed.

Provided that in the case of lands partially exempt from land-revenue, or the liability of which to payment of land-revenue is subject to special conditions or restrictions, respect shall be had in the fixing of the assessment and the levy of the revenue to all rights legally subsisting, according to the nature of the said rights.

54. (1) The settlement of the assessment to land-revenue of each portion of land or survey number shall be made with the person who, under section 105, is primarily responsible to the Government for the same. Settlement of assessment to be made with the holder directly from the Government, or, in his absence, with the next holder.

(2) If the said person is absent and has left no known authorized agent in the district, so that the settlement of the assessment cannot be concluded with him, such settlement may be made with the person holding under him or in occupation of the land.

55. The Resident may, with the previous sanction of the Governor-General in Council, authorize the Deputy Commissioner, or such other officer as the Resident deems fit, to fix such rates as he may from time to time think proper for the use by landholders and other persons of water the right to which vests in the Government, or which has been made available in consequence of the construction, improvement or repair of any irrigation or other work by the Government. Such rates shall be liable to revision at such periods as the Resident shall from time to time determine, and shall be recoverable as land-revenue. Rates for use of water.

**Secs.
56—58.**

Land-revenue
to be a para-
mount charge
on the land.

56. Arrears of land-revenue due on account of land by any landholder shall be a paramount charge on the holding and every part thereof, failure in payment of which shall make the occupancy or alienated holding, together with all rights of the occupant or holder over all trees, crops, buildings and things attached to the land or permanently fastened to anything attached to the land, liable to forfeiture; and on such forfeiture the Deputy Commissioner may levy all sums in arrear by sale of the occupancy or alienated holding, freed from all tenures, incumbrances and rights created by the occupant or holder or any of his predecessors in title, or in anywise subsisting as against such occupant or holder, or may otherwise dispose of such occupancy or alienated holding in accordance with any instructions given under section 216.

Forfeited hold-
ing may be
taken posses-
sion of and
otherwise dis-
posed.

57. The Deputy Commissioner may, in the event of the forfeiture of a holding under the last section or under any other law, rule or order for the time being in force, take immediate possession of the land embraced within such holding and dispose of the same, by placing it in the possession of the purchaser or other person entitled to hold it, according to the provisions of this Law or of any law, rule or order for the time being in force.

CHAPTER VI.

OCCUPATION OF UNALIENATED LAND.

Occupation.

Written per-
mission of
Tahsildar re-
quired previous
to taking up
unoccupied
land.

58. (1) Any person desirous of taking up unoccupied land which has not been alienated, shall previously to entering upon occupation, obtain the permission in writing of the Tahsildar.

(2) Such person shall also execute an agreement to become the registered occupant in such form as the Deputy Commissioner may from time to time prescribe, and the right of occupancy in the land shall not pass till such agreement shall have been accepted by the Deputy Commissioner.

59. (1) Any person who unauthorizedly occupies any land set apart for any special purpose, or any unoccupied land which has not been alienated, shall be liable to pay,—

Sec. 59.

Penalties for unauthorized occupation of land.

(a) if the land which he unauthorizedly occupies, forms part of an assessed survey-number, the assessment of the entire number for the whole period of his occupation, and

(b) if the land so occupied by him has not been assessed, such amount of assessment as would be leviable for the said period in the same village on the same extent of similar land appropriated to the same purpose,

and shall also be liable, at the discretion of the Deputy Commissioner, to a penalty not exceeding five rupees, or a sum equal to ten times the amount of assessment payable by him for one year, if such sum be in excess of five rupees, if he has taken up the land for purposes of cultivation, and not exceeding such limit as may be fixed in any instructions given in this behalf under section 216, if he has appropriated it to any non-agricultural purpose.

(2) The Deputy Commissioner's decision as to the amount of assessment payable for the land unauthorizedly occupied shall be conclusive, and, in the determination of its amount, occupation for an incomplete portion of a year shall be counted as for a whole year.

(3) Any person unauthorizedly occupying any such land may be summarily evicted by the Deputy Commissioner, and any crop which he may have raised on the land, shall be liable to forfeiture, and any building or other construction which he may have erected thereon, shall also, if not removed by him after such written notice as the Deputy Commissioner may deem reasonable, be liable to forfeiture.

(4) Forfeitures under this section shall be adjudged by the Deputy Commissioner, and any property so forfeited shall be disposed of as the Deputy Commissioner may direct.

**Secs.
60—63.**

Occupancy-right to be paid for and to be liable to certain conditions.

60. (1) The Deputy Commissioner may, subject to such orders as may from time to time be made by the Resident, before accepting an agreement under section 58, require the payment of a certain price for the occupancy or sell that right by auction or annex such conditions, not inconsistent with this Law or any law, rule or order for the time being in force, to the occupancy as may seem fit.

(2) The price of an occupancy shall include the price of the Government right to all trees not specially reserved under the provisions of section 43.

Occupancy of alluvial land which vests in Government.

61. (1) When it appears to the Deputy Commissioner that the occupancy of any alluvial land which vests, under any law, rule or order for the time being in force, in the Government, may, with due regard to the interests of the public revenue, be disposed of in perpetuity, he shall offer the prior right of occupancy thereof to the occupant, if any, of the bank or shore on which such alluvial land has formed.

(2) The price of an occupancy so offered shall not exceed three times the annual assessment of the land of which the occupancy is offered.

(3) If the said occupant shall refuse such occupancy, the Deputy Commissioner may dispose of the same under the last foregoing section without any restrictions as to the price thereof.

Temporary right to alluvial lands to small extent.

62. When alluvial land forms on any bank or shore, the occupant, if any, of such bank or shore shall be entitled to the temporary use and occupation thereof, unless or until the area of the same exceeds half an acre and also exceeds one-tenth of the area of his holding. When the area of the alluvial land exceeds the said extent, it shall be at the disposal of the Deputy Commissioner, subject to the provisions of the last foregoing section.

Occupants' Rights.

Uses to which occupant of land for agricultural purposes may put his land.

63. (1) An occupant of land appropriated for agricultural purposes is entitled by himself, his servants, tenants, agents or other legal representatives, to erect farm buildings, construct wells or tanks, or make any other improvements thereon for the better cultivation of the land or its more convenient occupation for the purposes aforesaid.

(2) If any occupant wishes to appropriate his holding or any part thereof to any other purpose, he shall apply to the Deputy Commissioner for permission. The Deputy Commissioner on receipt of such application shall at once furnish the applicant with a written acknowledgment of its receipt, and after inquiry may either grant or refuse the same. Unless the Deputy Commissioner shall in a particular instance otherwise direct, no such application shall be recognized except it be made by the registered occupant.

(3) When any such land is thus appropriated to any purpose unconnected with agriculture, the Deputy Commissioner may, subject to any instructions given under section 216, require the payment of a premium in addition to any new assessment which may be leviable under the provisions of section 52.

64. If any such land be so appropriated without the permission of the Deputy Commissioner first obtained, the occupant and any tenant, or any other person holding under or through him, shall be liable to be summarily evicted by the Deputy Commissioner from the land so appropriated and from the entire field or survey number of which it may form a part, and the occupant shall also be liable to pay, in addition to the new assessment which may be leviable under the provisions of section 52 for the period during which the said land has been so appropriated, such penalty as the Deputy Commissioner may, subject to any instructions given under section 216, impose.

Penalty for so appropriating land without permission.

65. Nothing in the two last foregoing sections shall prevent the granting of the permission aforesaid in special cases on such terms as may be agreed on between the Government and the occupant.

Permission may be granted on terms.

66. An occupant is entitled to the use and occupation of his land for the period, if any, to which his occupancy is limited, or, if the period be unlimited or a survey-settlement has been extended to the land, in perpetuity, conditionally on the payment of the amounts due on account of the land-revenue for the same according to the provisions of this Law, or of any rules made under this Law, or of any law, rule or order for the time being in force, and on the fulfilment of any other terms lawfully annexed to his occupancy.

Occupant's rights are conditional.

**Secs.
67—70**

Reservation of
right of Govern-
ment to mines
and minerals.

67. The right of the Government to mines and mineral products in all unalienated land is, and is hereby declared to be, expressly reserved :

Provided that nothing in this section shall be deemed to effect any subsisting rights of any occupant of such land in respect of such mines or mineral products.

Intestate occu-
pancy or hold-
ing to be sold.

68. If an occupant dies intestate and without known heirs, the Deputy Commissioner shall, subject to the provisions of this Law or of any law, rule or order for the time being in force for the sale of forfeited occupancies in realization of the land-revenue, dispose of his interest in the occupancy by sale, and the law for the time being in force concerning property left by such occupant dying intestate and without known heirs shall not be deemed to apply to the said interest, but only to the proceeds of such sale after deducting all arrears of land-revenue due by the deceased to the Government and all the expenses of the said sale.

Relinquishment of occupancy.

Occupant may
relinquish his
occupancy.

69. (1) A registered occupant may, by giving a notice in writing to the Tahsildar, relinquish the occupancy either absolutely or in favour of a specified person :

Provided that such relinquishment shall include all rights in whole survey-numbers or in whole recognized divisions of survey-numbers.

(2) An absolute relinquishment shall be deemed to have effect from the close of the current revenue-year, and notice thereof shall be given before the thirty-first day of March in such year or before such other date as may be from time to time prescribed in this behalf for each district by the Resident. A relinquishment in favour of a specified person may be made at any time if no arrears of land-revenue are due in respect of the land.

Right of way
to relinquished
land.

70. If any person relinquishes land the way to which lies through other land retained by him, the right of way through the land so retained shall continue to the future holder of the land relinquished.

*The Registered occupant.*Secs.
71—72

71. The person who has last executed an agreement in respect of any land under section 58, section 72 or section 73, is the registered occupant of that land, and shall, as such, be liable for the land-revenue and other demands of the Government in respect of the land until such time as the occupancy is relinquished absolutely under section 69, or until some other person is recognized as the registered occupant under the provisions of section 72 or section 73.

Registered
occupants and
their liabilities.

72. The Deputy Commissioner may, subject to the provisions of section 73, recognize another person as the registered occupant in the following cases :

Transfers of
their rights are
to be recog-
nized by the
Deputy Com-
missioner,
otherwise than
on decree or
order of a Civil
Court.

- (1) where the registered occupant has died, the Deputy Commissioner may recognize the person who appears to him to be the heir, or, where there are more heirs than one, the principal heir, of the deceased registered occupant ;
- (2) where an occupancy has been relinquished in favour of a specified person, the Deputy Commissioner may recognize the person in whose favour the occupancy has been relinquished ;
- (3) where an occupancy has been taken possession of under section 57, the Deputy Commissioner may recognize the purchaser or other person placed in possession ;
- (4) where the interests of a registered occupant have been sold under section 68 or under the provisions of Chapter XI, the Deputy Commissioner may recognize the purchaser ;
- (5) where the registered occupant consents that another person shall be recognized as registered occupant in his stead, the Deputy Commissioner may recognize such person ;

and the Deputy Commissioner shall, subject to the provisions of section 73, recognize the person who appears to be the heir or principal heir, the person placed in possession, the purchaser or the person in whose favour

**Secs.
72—76.**

the occupancy has been relinquished, or to whose recognition the registered occupant consents, as the case may be, on his executing an agreement to become the registered occupant in such form as may be prescribed by the Deputy Commissioner.

Transfers to be recognized on decree or order of the Civil Court.

73. If, by the decree or order of a competent Court, it is adjudged that the registered occupant is an inferior holder under another person, or that another person is entitled to be the registered occupant, or if, in execution of such decree or order, the interests of a registered occupant have been transferred by sale or otherwise to another person, the Deputy Commissioner may recognize such other person, and he shall recognize such other person on his producing a certified copy of the decree or order or the Court's certificate of the sale or transfer and on his executing an agreement to be such occupant in such form as the Deputy Commissioner may prescribe.

Other transfers need not be recognized.

74. Save as provided in sections 69, 71, 72 and 73, the Deputy Commissioner shall not be bound to recognize any person to whom any interest in any portion of an occupancy has been assigned.

Presumption from registration.

75. In the absence of proof to the contrary, it shall be presumed that every person shown in a settlement-register or in village-records as the registered occupant did execute an agreement to become the registered occupant at some time before the preparation of the register or record and that he was the last person who had executed such an agreement at the time when the register or record was prepared.

Remedies against Forfeiture of Occupancies.

To prevent forfeiture of occupancy, certain persons other than the registered occupant may pay the land-revenue.

76. In order to prevent the forfeiture of an occupancy, under the provisions of section 56 or of any other law for the time being in force, through non-payment by the registered occupant of the land-revenue due on account thereof, any co-occupant, tenant, mortgagee or other person interested in the continuance of the occupancy may pay, on behalf of such registered occupant, all sums due on account of the land-revenue, and the Deputy Commissioner may receive the same.

Suspension of certain Provisions of this Chapter.

**Secs.
77—78.**

77. (1) The Resident may, by notification, from time to time,—

Resident empowered to suspend operation of section 68 or 69.

(a) suspend the operation of section 58 or of section 69 or of both within any prescribed local area, either generally or in respect of cultivators or occupants of a particular class or classes; and

(b) cancel any such notification.

(2) During the period for which any notification under clause (a) is in force within any local area, such rules shall be substituted for the provisions of which the operation is suspended, as the Commissioner shall from time to time direct.

CHAPTER VII.

**SUPERIOR AND INFERIOR HOLDERS AND GRANT OF
RECEIPTS.**

Tenants' Rights.

78. (1) A person placed, as tenant, in possession of land by another, or, in that capacity, holding, taking or retaining possession of land, permissively from, or by sufferance of, another, shall be regarded as holding the same at the rent, or for the services, agreed upon between them, or, in the absence of satisfactory evidence of such agreement, at the rent payable or services renderable by the usage of the locality, or, if there is no such agreement or usage, shall be presumed to hold at such rent as, regard being had to all the circumstances of the case, shall seem just and reasonable.

Rent, duration of tenancy and presumption as to tenure.

(2) Where, by reason of the antiquity of a tenancy, no satisfactory evidence of its commencement and of the period agreed upon between the landlord and tenant, or those under whom they respectively claim, for its duration, is forthcoming, and there is no usage of the locality as to its duration, the period of its intended duration shall, as against the immediate landlord of the tenant,

Sec.
78.

be presumed to be co-extensive with the duration of the tenure of such landlord and those who derive title under him.

(3) Where there is no satisfactory evidence of the capacity in which a person in possession of land, in respect of which he renders service or pays rent to the landlord, received, holds or retains possession of the same, it shall be presumed that he is in possession as tenant

(4) Nothing contained in this section shall affect the right of the landlord (if he has the same by virtue of agreement, usage or otherwise) to enhance the rent payable or services renderable by the tenant up to a degree which shall, in the judgment of the Court, be just and reasonable and to sue for the eviction of the tenant for non-payment of the rent or non-rendition of the services, either respectively originally fixed or duly enhanced as aforesaid.

(5) The rent for the time being payable or the service for the time being renderable by a tenant shall, for the purposes of this section, be presumed to be just and reasonable till the contrary is proved.

(6) In determining what shall be considered a reasonable rent, the Court shall not take into consideration as against the tenant the enhanced value of the property due to improvements effected by the tenant.

(7) In the case of a Court decreeing the ejectment of a tenant, holding otherwise than under an express agreement, on the ground of non-payment of rent, the Court may consider whether the tenant has made improvements, and may pass a decree for ejectment, subject to the payment by the landlord of such sum as may be considered just and reasonable compensation for the unexhausted improvements.

(8) The rent of a tenant holding otherwise than under an express agreement shall not be enhanced without notice in writing served by the landlord upon the tenant at least six months before the commencement of the agricultural year from which the enhancement is to take effect, through a Revenue-officer and in accordance with instructions to be given by the Resident in this behalf.

79. (1) An annual tenancy shall, in the absence of proof to the contrary, be presumed to run from the end of one agricultural year to the end of the next.

Secs.
79—82.

Termination of annual tenancy and notice of such termination.

(2) An annual tenancy shall, in the absence of any special agreement to the contrary, require for its termination a notice in writing, in the form contained in the fifth schedule or in a form to the like effect, given by the landlord to the tenant, or by the tenant to the landlord, at least three months before the end of the agricultural year of tenancy at the end of which it is intimated that the tenancy is to cease.

Grant of Receipts.

80. (1) Every Revenue-officer receiving any money on account of land-revenue or recoverable as land-revenue shall, on demand by the person paying or delivering such money, grant a receipt for the same :

Receipts to be granted by Revenue-officers for payments of land revenue.

Provided that, when such payment or delivery is made by a registered occupant or his servant or agent, the Revenue-officer may refuse to grant a receipt unless a receipt book, in such form as the Commissioner may from time to time prescribe, is produced for the record of the payment.

(2) Every patel or patwari refusing to grant a receipt under the proviso to sub-section (1) shall report to the Tahsildar the fact of such refusal within twenty-four hours.

81. Whoever, in contravention of the provision of the last foregoing section, refuses or neglects to grant a receipt, or, having refused to grant a receipt, neglects to report the fact of such refusal, shall, on conviction by the Deputy Commissioner, be liable to a fine not exceeding three times the amount received or refused.

Penalty for failure to grant receipts or report refusal.

82 (1) Any landholder receiving any payment, whether in money or in kind, on account of revenue or rent from an inferior holder or tenant shall give to the payer a written receipt for the payment, which receipt shall be signed by the landholder and shall specify such particulars as may be prescribed by the Resident.

Landholders to grant receipts.

(2) If such receipt does not contain substantially the particulars prescribed by the Resident, it shall be presumed, till the contrary is shown, to be an acquittance in full of all demands for revenue or rent up to the date on which it was given.

CHAPTER VIII.

SURVEY-SETTLEMENTS.

Power to
introduce
revenue-survey.

83. (1) The Resident may, with the previous sanction of the Governor-General in Council, whenever it may seem expedient, direct the survey of any land in any part of the Hyderabad Assigned Districts, with a view to the settlement of the land-revenue and to the ascertainment and record of rights and liabilities of every description connected with the land, or for any other similar purpose, and such survey shall be called a revenue-survey. Such survey may extend to all lands generally in a specified area or to such land only as the Resident may direct; and, subject to the orders of the Resident, the officers conducting any such survey may except from the survey-settlement any land to which it may not seem expedient that such settlement should be applied.

(2) Every revenue-survey and every operation in connection with a revenue-survey shall be conducted in accordance with any instructions for the administration thereof given under section 216.

(3) Subject to any instructions given under section 216, the control of every revenue-survey shall vest in and be exercised by the Commissioner, subject to the general orders of the Resident.

The Deputy
Commissioner
or other officer
may require
service from
holders of land
and others.

84. (1) The Deputy Commissioner and any officer deputed to conduct or take part in any revenue-survey may require, by general notice or by summons, the attendance of holders of land and of others interested therein, in person or by legally constituted agent duly instructed and able to answer all material questions, and the presence of ex-pargana and village officers who in their several stations and capacities are, legally or by usage, bound to perform service in virtue of their respective offices, and require from them such assistance in the operations of the survey and such service in connection therewith as may, in each case, not be inconsistent with the position of the individual so called on.

(2) The Deputy Commissioner or other officer aforesaid may also call upon all holders of land and other persons interested therein to assist in the measurement

or classification of the lands to which the survey extends by furnishing flagholders, and, in the event of a necessity for employing hired labour for this or other similar objects incidental to the survey operations, may assess the cost thereof, with all contingent expenses, on the lands surveyed, for collection as a revenue-demand.

85. (1) In order to facilitate the work of classification, assessment and record, the Deputy Commissioner or other officer aforesaid shall divide the lands to which the survey extends, into portions of a convenient size and shape to be called survey-numbers, and group the survey-numbers in villages. In forming survey-numbers and grouping them in villages, regard shall be paid to existing divisions, to departmental orders and to the orders of the Resident.

Survey-number.

(2) At the time of the revision of a survey the Deputy Commissioner or other officer aforesaid may, subject to the above considerations, recognize existing survey-numbers, join distinct survey-numbers so as to form a single survey-number or sub-divide survey-numbers so as to form distinct survey-numbers.

86. (1) When two or more holdings are included in a single survey-number, the Deputy Commissioner or other officer aforesaid may recognize such holdings without forming separate survey-numbers. Holdings so recognized shall be called recognized divisions of survey-numbers.

Recognized share of survey-number.

(2) The provisions of this Law relating to survey-numbers shall be applicable, so far as may be, to recognized divisions of survey-numbers.

87. (1) Except as hereinafter provided, no survey-number comprising land used for agricultural purposes only shall be made of less extent than a minimum to be fixed from time to time for the several classes of land in each district by the Commissioner, with the sanction of the Resident. A record of the minima so fixed shall be kept in the Tahsildar's office in each taluk, and shall be open to the inspection of the public at reasonable times.

Survey-numbers not ordinarily to be of less than a certain extent.

(2) The provisions of sub-section (1) shall not apply to survey-numbers which have already been made of less

extent than the minima so fixed, or which may be so made under the authority of the Commissioner given either generally or in any particular instance in this behalf; and any survey-number separately recognized in the survey-records shall be deemed to have been authorizely made whatever be its extent.

Deputy
Commissioner
or other officer
in charge of
survey to fix
assessments.

88. (1) Subject to the control of the Resident, the Deputy Commissioner or other officer in charge of a survey shall have authority to fix the assessment of land-revenue at his discretion on all lands within the local operation of an order made under section 83, which are not wholly exempt from land-revenue, and the amounts due according to such assessment shall, subject to the provisions of section 90, be levied on all such lands.

(2) In fixing such assessment regard shall be had to the requirements of the proviso to section 53.

(3) But nothing in this section shall be deemed to prevent the officer aforesaid from determining and registering on lands wholly or partially exempt from payment of land-revenue or on lands specially excepted under section 83, from the survey-settlement, the proper full assessment which would be payable but for such exemption or exception, or from dividing all such lands to which the survey extends, into survey-numbers.

The assessments
so made may be
on land, or on
means of irriga-
tion, or in other
sanctioned
manner.

89. The power to assess under the last foregoing section shall, in the case of lands used for agricultural purposes only, include power to assess, whether directly on the land or in the form of a rate or cess upon any means of irrigation or in any other manner whatsoever that may be sanctioned by the Resident.

Assessments so
made not
leviable without
the sanction of
the Resident;
but may be
fixed, with or
without modifi-
cation, by the
Resident for a
term of years.

90. (1) The assessment fixed by the Deputy Commissioner or other officer in charge of a survey shall not be levied without the sanction of the Resident or of such other officer as the Governor-General in Council may from time to time direct.

(2) The Resident may, with the previous sanction of the Governor-General in Council, declare such assessment, with any modifications that may be deemed necessary, fixed for a term of years not exceeding thirty in the case of lands used for agricultural purposes only and not exceeding ninety in any other case.

Introduction of
survey-settle-
ment how to be
made.

91. (1) When the Resident or other officer aforesaid shall have sanctioned the levy of the assessments fixed by the officer in charge of the survey, the Deputy Commissioner, or other officer in charge of the survey, or such other officer not below the rank of an Extra Assistant Commissioner as may be specially appointed for the purpose by the Deputy Commissioner, shall publicly announce or cause to be announced the assessment fixed on each survey-number.

(2) The Deputy Commissioner, or other officer in charge of the survey, or the specially appointed officer, shall, at a reasonable time beforehand, cause public notice to be given, in such manner as he shall deem fit, of the time at or about which the assessments will be announced as aforesaid.

(3) If the holder or other person interested in any holding does not appear in person or by agent, he shall be subject, nevertheless, to the same liabilities as if he had attended

(4) When the assessments have been announced in the manner provided in sub-section (1), the survey-settlement shall be held to have been introduced.

92. (1) In the revenue-year in the course of which a survey-settlement, whether original or revised, is introduced under the last foregoing section, the difference between the old and the new assessment of all lands on which the latter may be in excess of the former, shall be remitted, and the revised assessment shall be levied only from the next following revenue-year.

Excess assess-
ment not to be
levied in the
year in which a
survey-settle-
ment is intro-
duced; nor in
the following
year if the
number is
resigned that
year.

(2) In the revenue-year next following that in which any original or revised survey-settlement has been introduced, any occupant who is dissatisfied with the increased rate imposed by such new assessment on any of the survey-numbers held by him, shall, on resigning such number in the manner prescribed by section 69 on or before the thirty-first day of March, receive a remission of the increase so imposed.

93. The fixing of the assessment under the provisions of section 90 shall be strictly limited to the assessment of the ordinary land-revenue, and shall not operate as a

The fixing of
assessment
under section 90
limited to
ordinary land-
revenue.

bar to the levy of any cess which the Governor-General in Council may impose or sanction, under the provisions of this Law or of any law, rule or order for the time being in force, for purposes of local improvement, such as schools, village and district roads, bridges, tanks, wells, accommodation for travellers, and the like, or for the support of the jaglia force, or as a bar to the levy of any rate for the use of water which may be imposed under the provisions of section 55.

The Resident, with the previous sanction of the Governor-General in Council, may direct a fresh survey and revision of assessment; but improvements made from private capital and resources not to be assessed.

94. (1) The Resident may, with the previous sanction of the Governor-General in Council, at any time direct a fresh revenue-survey or any operation subsidiary thereto, but no enhancement of assessment shall take effect till the expiration of the period previously fixed under the provisions of section 90.

(2) In revising assessments of land-revenue regard shall be had to the value of land, and, in the case of land used for agricultural purposes, to the profits of agriculture :

Provided that, if any improvement has been effected in any land during the currency of a settlement by, or at the cost of, the holder thereof, the increase in the value of such land or in the profit of cultivating the same due to the said improvement shall not be taken into account in fixing the revised assessment thereof at the next subsequent settlement :

Provided, also, that nothing in this section shall affect the provisions of the first proviso to section 11 of the Land Improvement Loans Act, 1883.

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Explanation.—The word “improvement” in this section includes wells and works of surface and subsoil drainage, if any, made by, or at the cost of, the holder.

Revenue-management of villages not belonging to Government that may be temporarily under Government management.

95. In the event of any alienated village coming under the temporary management of the Government, the Deputy Commissioner may let out the lands thereof at rates determined by means of a survey-settlement or at such other fixed rates as he may deem to be reasonable, and sell the occupancy of unoccupied lands by auction, and otherwise conduct the revenue-management thereof under the rules for the management of unalienated lands,

so far as such rules may be applicable, and for so long as the said village shall be under the management of the Government officers :

Provided that any written agreements relating to the land made by the superior holder of such village shall not be affected by any proceedings under this section in so far as they shall not operate to the detriment of the lawful claims of the Government on the land.

96. When any portion of cultivable land is appropriated under the provisions of section 63 or 65 for any non-agricultural purpose, the portion so appropriated may, with the sanction of the Deputy Commissioner, be demarcated and made into a separate survey-number at any time, notwithstanding the provisions of section 87.

Separate demarcation of land appropriated under section 63 or 65.

CHAPTER IX.

THE SETTLEMENT OF BOUNDARIES AND THE CONSTRUCTION AND MAINTENANCE OF BOUNDARY-MARKS.

97. The boundaries of villages situated in the Hyderabad Assigned Districts shall be fixed, and all disputes relating thereto shall be determined, by the Deputy Commissioner or by such other officer as may be nominated by the Resident for the purpose, and every such officer shall be guided by the following rules :

Determination of village-boundaries.

Rule 1.—If the patels and other village-officers of any two or more adjoining villages and, in the case of an alienated village, the holder thereof or his duly constituted agent voluntarily agree to any given line of boundary as the boundary common to their respective villages, the officer determining the boundary shall require the said parties to execute an agreement to that effect, and shall then mark off the boundary in the manner agreed upon. Every village-boundary fixed in this manner shall be held to be finally settled, unless it shall appear to the said officer that the agreement has been obtained by fraud, intimidation or any other illegal means :

Village-boundaries may be settled by agreement.

Provided that, if the Commissioner is satisfied that the agreement was arrived at under a *bonâ fide* mistake as to a matter of fact essential to the agreement, he may, on application made to him at any time within one year of the date of the agreement, sanction its revision.

Rule 2.—If the patels and other village-officers and, in the case of an alienated village, the holder thereof or his duly constituted agent do not agree to fix the boundaries of their respective villages in the manner prescribed in the last foregoing rule, or if it shall appear to the said officer that the agreement has been obtained by fraud, intimidation or any other illegal means, or if there is any pending dispute, the said officer shall make a survey and plan of the ground in dispute, exhibiting the land claimed by the contending parties and all particulars relating thereto, and shall hold an inquiry into the claims of the said parties and thereafter make an award in the case. If either of the villages concerned is alienated, the award shall be subject to confirmation by the Commissioner.

98. (1) If, at the time of a survey, the boundary of a field or holding is undisputed and its correctness is affirmed by the village-officers then present, it may be laid down as pointed out by the holder or person in occupation, and if it be disputed, or if the said holder or person in occupation be not present, it shall be fixed by the Deputy Commissioner or other officer deputed to conduct or take part in the survey according to the village-records and according to occupation as ascertained from the village-officers and the holders of adjoining lands, or on such other evidence or information as the Deputy Commissioner or such other officer may be able to procure.

(2) If any dispute arises concerning the boundary of a field or holding which has not been surveyed, or if at any time after the completion of a survey a dispute arises concerning the boundary of any survey-number, it shall be determined by the Deputy Commissioner, who shall be guided in the case of survey-numbers by the survey-records, if they afford satisfactory evidence of the boundary previously fixed, and, if not, by such other evidence as he may be able to procure.

99. (1) If the several parties concerned in a boundary-dispute agree to submit the settlement thereof to an arbitration committee and make application to that effect in writing, the officer whose duty it would otherwise be to determine the boundary, shall require the said parties to nominate a committee of not less than three persons, within a specified time, and, if, within a period to be fixed

by the said officer, the committee so nominated, or a majority of the members thereof, arrive at a decision, such decision, when confirmed by the said officer, or, if the said officer be lower in rank than the Deputy Commissioner, by the Deputy Commissioner, shall be final :

Provided that the said officer or Deputy Commissioner shall have power to remit the award or any of the matters referred to arbitration to the reconsideration of the same committee for any of the causes set forth in section 520 of the Code of Civil Procedure.

When award may be remitted for reconsideration.

(2) If the committee appointed in the manner aforesaid fails to effect a settlement of the dispute within the time specified, it shall be the duty of the officer aforesaid, unless he or, if the said officer is lower in rank than the Deputy Commissioner, the Deputy Commissioner sees fit to extend the time, to settle the same as otherwise provided in this Law.

If arbitration fails, survey-officer to settle the dispute.

100. The settlement of a boundary under any of the foregoing provisions of this Chapter shall, subject to the provisions of Chapter XVII, be conclusive of the proper position of the boundary-line or boundary-marks.

Effect of the settlement of a boundary.

Boundary-marks.

101. (1) Every Revenue-officer authorized by the Deputy Commissioner shall have power to have boundary-marks of villages or survey-numbers, whether cultivated or uncultivated, constructed or repaired and to assess all charges incurred thereby on the holders or others having an interest therein.

Construction and repair of boundary-marks of survey-numbers and villages.

(2) Every such officer shall, by a notification posted in the chauri or some other public place in the village to which the lands concerned belong, require the holders of survey-numbers to construct or repair, within a specified time, the boundary-marks of their respective survey-numbers, and, on their failure to comply with the requisition so made, may construct or repair them, and assess all charges incurred thereby as hereinbefore provided.

(3) A general notification issued in the manner aforesaid shall be held to be good and sufficient notice to each and every person having any interest in any survey-numbers in lands within the local operation of an order under section 83.

(4) The size, material and description of boundary-marks shall be such as the Commissioner, having regard to the requirements of soil and climate, may deem necessary.

(5) The Commissioner may direct that a vacant strip of ground, of such width as he may think fit, shall be reserved as a boundary-mark.

Penalty for
destruction,
injury or
removal of
boundary-
marks

102. (1) If any person wilfully destroys or injures or without lawful authority removes a boundary-mark lawfully erected, or commits mischief in respect of, or takes possession of, any strip of land reserved as a boundary-mark under section 101, sub-section (5), he may be ordered by the Tahsildar to pay such fine not exceeding fifty rupees for each mark so destroyed, injured or removed, or a strip of land so injuriously affected, as may, in the opinion of the Tahsildar, be necessary to defray the expense of restoring the same and of rewarding the informant, if any.

(2) The imposition of a fine under this section shall not bar a prosecution under section 434 of the Indian Penal Code.

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CHAPTER X.

LANDS WITHIN THE SITES OF VILLAGES, TOWNS AND CITIES.

Fixing of Sites.

Limits of sites
of villages,
towns and
cities how to be
fixed.

103. The Deputy Commissioner or other officer in charge of a survey, acting under the general or special orders of the Resident, may determine what lands are included within the site of any village, town or city, and may fix and from time to time may vary the limits of the same, regard being had to all subsisting rights of landholders.

Miscellaneous.

Survey of lands
in such sites
how to be con-
ducted.

104. If the Resident at any time deems it expedient to direct a survey of the lands, other than those used ordinarily for agricultural purposes only, within the site of any village, town or city, under the provisions of section 83, or a fresh survey thereof under

the provisions of section 94, such survey shall be conducted, and all its operations shall be regulated, according to the provisions of Chapters VIII and IX :

Provided that nothing contained in sections 84, 89, 91, 92 and 97 shall be considered applicable to any such survey in any town or city containing more than two thousand inhabitants.

CHAPTER XI.

REALIZATION OF LAND-REVENUE AND OTHER REVENUE-DEMANDS.

Responsibility for Land-revenue.

105. (1) The registered occupant shall be primarily responsible to the Government for the land-revenue of unalienated land, and the superior holder shall be primarily responsible to Government for the land-revenue of alienated land.

Primary and secondary responsibility for land-revenue and allowance of credit for payments made by person not primarily responsible.

(2) On failure of the person primarily responsible to the Government for the land-revenue to pay the same according to any law, rule or order for the time being in force in that behalf, it may be recovered from the co-occupant of unalienated land or the co-sharer of alienated land, or in either case from the inferior holder, tenant or other person in actual occupation of the land.

(3) When land-revenue is recovered from any such co-occupant, co-sharer, inferior holder, tenant or other person, he shall be allowed credit for all payments which he may have made to the registered occupant or superior holder, or to his landlord, at or after the prescribed or usual times of such payments, and he shall be entitled to credit in account with the registered occupant or superior holder, or with his landlord, for the amount recovered from him.

Priority of Government Claim for Land-revenue.

106. The claim of the Government to any moneys recoverable under the provisions of this Chapter shall have priority over any other debt, demand or claim whatsoever, whether in respect of mortgage, judgment, decree, execution, attachment or otherwise, against any land or the holder thereof.

Claims of the Government to have priority over all others.

The liability of the crop for the revenue of the land.

107. In all cases the land-revenue for the current revenue-year of land used for agricultural purposes, if not otherwise discharged, shall be recoverable, in preference to all other claims, from the crop of the land subject to the same.

Land-revenue when leviable.

Land-revenue may be levied at any time during the revenue-year.

108. The land-revenue shall be leviable on or at any time after the first day of the revenue-year for which it is due; but, except when precautionary measures are deemed necessary under the provisions of sections 109 to 113 (both inclusive), payment shall be required only on the dates to be fixed under the provisions hereinafter contained.

Precautionary Measures for the Security of the Land-revenue.

Removal of crop which has been sold, &c., may be prevented until the revenue is paid.

109. When the crop of any land or any portion of the same is sold, mortgaged or otherwise disposed of, whether by order of a Civil Court or other public authority, or by private agreement, the Deputy Commissioner may prevent its being removed from the land until the revenue of the said land for the current revenue-year has been paid, whether the date fixed for the payment of the same, under the provisions hereinafter contained, has yet arrived or not. But in no case shall a crop, or any portion of the same, which has been sold, mortgaged or otherwise disposed of, be detained on account of more than one year's revenue.

To secure land-revenue the Deputy Commissioner may prevent reaping or removal of crop, appointing watchman if necessary.

110. In order to secure the payment of the land-revenue by enforcement of the lien of the Government on the crop, the Deputy Commissioner may—

(a) require that the crop growing on any land liable to the payment of land-revenue shall not be reaped until a notice in writing has first been given to himself or to some other officer to be named by him in this behalf, and such notice has been returned endorsed with an acknowledgment of its receipt;

(b) direct that no such crop shall be removed from the land ~~on~~ which it has been reaped, or from

any place in which it may have been deposited, without the written permission of himself or of some other officer as aforesaid ;

- (c) cause watchmen to be placed over any such crop to prevent the unlawful reaping or removal of the same, and realize the amount required for the remuneration of the said watchmen, at such rate not exceeding the rate of pay received by the peons on his establishment as he may deem fit, as an arrear of land-revenue due in respect of the land to which such crop belongs.

111. (1) The Deputy Commissioner's orders under either clause (a) or clause (b) of the last foregoing section may be issued generally to all the holders of land paying revenue to the Government in a village, or to individual holders only.

Notification and enforcement of Deputy Commissioner's orders under last section.

(2) If the order is general, it shall be made known by public proclamation, to be made by beat of drum in the village and by affixing a copy of the order in the chauri or some other public place in the village. If it is to individual holders, a notice thereof shall be served on each holder concerned.

(3) Whoever disobeys any such order after the same has been so proclaimed or a notice thereof has been served upon him, or abets, within the meaning of the Indian Penal Code, the disobedience of any such order, shall be liable, on conviction by the Deputy Commissioner, to fine not exceeding double the amount of the land-revenue due on the land to which the crop belongs in respect of which the offence is committed.

112. The Deputy Commissioner shall not defer the reaping of the crop nor prolong its deposit unduly so as to damage the produce, and, if within two months after the crop has been deposited the revenue due has not been discharged, he shall either release the crop and proceed to realize the revenue in any other manner authorized by this Chapter, or take such portion thereof as he may deem fit for sale, under the provisions of this Chapter applicable to sales of moveable property, in realization of the revenue due and of all legal costs, and release the rest.

Reaping and harvesting of crop and release of the same in whole or part.

**Secs.
113—116.**

Temporary attachment and management of a village or share of a village.

113. (1) If, owing to disputes among the sharers or for any other cause the Deputy Commissioner considers that there is reason to apprehend that the land-revenue payable in respect of any holding consisting of an entire village or of a share of a village will not be paid as it falls due, he may cause the village or share of a village to be attached and taken under the management of himself or any agent whom he may appoint in this behalf.

(2) The provisions of section 129 shall apply to any village so attached, and all surplus profits of the land attached, beyond the cost of such attachment and management, including the cost of the introduction of a revenue-survey, if the same is introduced under the provisions of section 95, shall be kept in deposit for the eventual benefit of the person or persons entitled to the same, or paid to the said person or persons from time to time as the Deputy Commissioner, subject to the orders of the Commissioner, may direct.

Precautionary measures to be relinquished on security being furnished.

114. The precautionary measures authorized by the last five foregoing sections shall be relinquished, if the person primarily responsible for the payment of revenue, or any person who would be responsible for the same if default were made by the person primarily responsible, pays the costs, if any, lawfully incurred by the Deputy Commissioner up to the time of such relinquishment, and furnishes security satisfactory to the Deputy Commissioner for the payment of the revenue at the time at which, or in the instalments, if any, in which it is payable under the provisions hereinafter contained.

Regulation of Payment of Land-revenue.

The Resident to determine the dates, &c., on which land-revenue shall be payable.

115. The land-revenue, except when it is recovered under the provisions of sections 109 to 113 (both inclusive), shall be payable at such times, in such instalments, to such persons, and at such places, as may from time to time be determined under the orders of the Resident.

Defaulters.

Definitions of "arrear" and "defaulter."

116. Any sum not so paid becomes thereupon an arrear of land-revenue, and the persons responsible for it, whether under the provisions of section 105 or of any other section, become defaulters.

117. If any land-revenue is not fully paid within the prescribed time, the Deputy Commissioner may proceed to levy at once the entire balance of land-revenue due by the defaulter for the current revenue-year, in addition to such charge as a penalty, or by way of interest, as may be authorized according to a scale to be from time to time fixed under the orders of the Resident.

Secs.
117—120.

Liabilities
incurred by
default.

118. A statement of account, certified by the Deputy Commissioner or by the Tahsildar, shall, for the purposes of this Chapter, be conclusive evidence of the existence of the arrear, of the amount of land-revenue due and of the person who is the defaulter.

Certified
account to be
evidence as to
arrears.

Recovery of Arrears.

119. Every arrear of land-revenue may be recovered by any one or more of the following processes, namely :

Process for
recovery of
arrears.

- (a) by service of a written notice of demand on the defaulter, under section 121 ;
- (b) by distraint and sale of the defaulter's moveable property, under section 122 ;
- (c) by sale of the defaulter's immoveable property, under section 123 ;
- (d) by arrest and imprisonment of the defaulter, under sections 125 and 126 ;
- (e) by forfeiture of the occupancy or alienated holding in respect of which the arrear is due, under section 127 ;
- (f) in the case of alienated holdings consisting of entire villages or shares of villages, by attachment of the said villages, under sections 128 to 132.

120. All or any of the processes specified in the last foregoing section may be employed for the recovery of arrears of former revenue-years as well as of the current revenue-year, but the preferences given by sections 106 and 107 shall apply only to demands for the current revenue-year :

Revenue-
demands of
former years
how
recoverable.

Provided that any process commenced in the current revenue-year shall be entitled to the said preferences notwithstanding that it may not be fully executed within that revenue-year.

Secs.

121—125.

Issue of notice
of demand.

Notice of demand.

121. (1) A notice of demand may be issued on or after the day following that on which the arrear accrues.

(2) The Commissioner may from time to time frame rules for the issue of such notices, and with the sanction of the Resident shall fix the costs recoverable from the defaulter as an arrear of land-revenue and direct by what officer such notices shall be issued.

Sale of Defaulter's property.

Distrain and
sale of
defaulter's
moveable
property.

122. (1) The Deputy Commissioner may also cause the defaulter's moveable property to be distrained and sold.

(2) Such distraint shall be made by such officers or class of officers as the Commissioner, under the orders of the Resident, may from time to time direct.

Sale of default-
er's immove-
able property

123. The Deputy Commissioner may also cause the right, title and interest of the defaulter in any immovable property, other than the land on which the arrear is due, to be sold.

Exemption
from distraint
and sale.

124. (1) All such property as is by the Code of Civil Procedure exempted from attachment or sale in execution of a decree shall also be exempt from distraint or sale under either of the two last foregoing sections.

(2) The decision of the Deputy Commissioner as to what property is so entitled to exemption shall be conclusive.

Arrest and Imprisonment.

Arrest and
detention of
defaulter.

125. (1) At any time after an arrear becomes due the defaulter may be arrested and detained in custody for ten days in the office of the Deputy Commissioner or of the Talisildar, unless the revenue due, together with the penalty or interest and the costs of arrest and of notice of demand, if any has issued, and the cost of the defaulter's subsistence during detention, is sooner paid.

(2) If, on the expiry of ten days, the amount due by the defaulter is not paid, then, or, if the Deputy Commissioner deems fit, on any earlier day, the defaulter

may be sent by the Deputy Commissioner with a warrant, in the form contained in the third schedule, for imprisonment in the civil jail of the district :

Provided that no defaulter shall be detained in imprisonment for a longer period than one month.

126. The Commissioner may, with the sanction of the Resident, from time to time, declare by what officers the powers of arrest conferred by section 125 may be exercised, and may also fix the costs of arrest and the amount of subsistence-money to be paid by the Government to any defaulter under detention or imprisonment.

Secs.
125—129.
Power of arrest
by whom to be
exercised.

Forfeiture of Occupancy or Alienated Holding.

127. The Deputy Commissioner may also at his discretion declare the occupancy or alienated holding in respect of which an arrear of land-revenue is due, to be forfeited, either wholly or partially, and may dispose of the same as provided in section 56.

Forfeiture of
occupancy or
alienated
holding for
which arrear
is due.

Attachment of Alienated Holdings consisting of entire villages or shares of villages.

128. If the alienated holding in respect of which an arrear is due, consists of an entire village or of a share of a village, and the adoption of any of the other processes hereinbefore specified is deemed inexpedient, the Deputy Commissioner may, with the previous sanction of the Commissioner, cause such village or share of a village to be attached and taken under the management of himself or any agent whom he may appoint in this behalf.

Power to attach
defaulter's
village and take
it under manage-
ment

129. (1) The lands of any village or share of a village so attached shall revert to the Government unaffected by any acts of the superior holder or of any of the sharers, or by any charges or liabilities subsisting against such lands, or against such superior holder or sharers as are interested therein, so far as the public revenue is concerned, but without prejudice in other respects to the rights of individuals.

Lands of such
village to
revert free of
incumbrances.

(2) The Deputy Commissioner or the agent appointed as aforesaid shall be entitled to manage the lands

Secs.
129—132.

attached and to receive all rents and profits accruing therefrom, to the exclusion of the superior holder or any of the sharers thereof, until the Deputy Commissioner restores the said superior holder to the management thereof.

Application of
surplus profits.

130. All surplus profits of the land so attached, beyond the cost of such attachment and management, including the payment of the current revenue and the cost of the introduction of a revenue-survey, if the same is introduced under the provisions of section 95, shall be applied in defraying the said arrear.

Restoration of
village so
attached and
disposal of
surplus receipts.

131. (1) The village or share of a village so attached shall be released from attachment and the management thereof shall be restored to the superior holder on the said superior holders making an application to the Deputy Commissioner for such restoration at any time within twelve years from the fifteenth day of June next after the attachment,—

(a) if at the time that such application is made it appears that the arrear has been liquidated, or,

(b) if the said superior holder is willing to pay the balance, if any, still due by him, and does so within such period as the Deputy Commissioner may prescribe in this behalf.

Disposal of
surplus receipts.

(2) The Deputy Commissioner shall make over to the superior holder the surplus receipts, if any, which have accrued in the year in which his application for restoration of the village or share of a village is made, after defraying arrears and costs; but such surplus receipts, if any, of previous years shall be at the disposal of the Government.

Village, etc., to
vest in Govern-
ment, if not
redeemed
within twelve
years.

132. If no application is made for the restoration of a village or share of a village so attached within the said period of twelve years, or if, after such application has been made, the superior holder fails to pay the balance, if any, still due by him within the period prescribed by the Deputy Commissioner in this behalf, the said village or portion of a village shall thenceforward vest in Government free from all incumbrances created by the superior holder or any of the sharers or any of his or their predecessors in title, or

in anywise subsisting as against such superior holder or any of the sharers, but without prejudice to the rights of the actual occupants of the soil. **Secs. 132—134.**

Stay of Proceedings.

133. (1) Any defaulter detained in custody or imprisoned shall forthwith be set at liberty, and the execution of any process shall at any time be stayed, on the defaulter's giving, before the Deputy Commissioner or other person nominated by him in this behalf, or if the defaulter is in jail, before the officer in charge of such jail, security in the form contained in the fourth schedule, satisfactory to the Deputy Commissioner or to such other person or officer

Stay of proceedings on security being given or on amount demanded being paid under protest.

(2) Any person against whom proceedings are taken under this Chapter, may pay the amount claimed under protest to the officer taking such proceedings, and upon such payment the proceedings shall be stayed.

Procedure in respect of Sales.

134. (1) When any sale of either moveable or immoveable property is ordered under the provisions of this Chapter or of section 56 or section 68, the Deputy Commissioner shall issue a proclamation, in the vernacular language of the district, of the intended sale, specifying the date, time and place of sale, the property to be sold, the amount for the recovery of which the sale is ordered, and, in the case of moveable property, whether the sale is subject to confirmation or not, and, when land paying revenue to the Government is to be sold, the revenue assessed upon it, together with any other particulars he may think necessary.

Procedure in effecting sales.

(2) When the property to be sold is immoveable property other than the land in respect of which the arrear is due, or when the property is sold under section 68, the proclamation shall state that the right, title and interest of the defaulter or person dying intestate and without known heirs is alone to be sold under the provisions of section 123 or section 68, as the case may be, and shall specify the rights of other persons in the property so far as those rights are known, and, when the

Secs.
134—137.

property to be sold is an occupancy or alienated holding in respect of which the arrear is due, shall recite the fact that the occupancy or alienated holding has been forfeited under section 56, and that it is sold freed from all tenures, incumbrances and rights created by the occupant or holder as provided by that section.

(3) When the property to be sold is an interest in a survey-number, other than the survey-number in respect of which the arrear is due, the proclamation shall also state that any occupant intending to claim a right of pre-emption must, on pain of forfeiting such right, give notice of his intention to the Deputy Commissioner on an office day before that fixed for the sale.

Proclamation of
sales.

135. (1) The proclamation shall, if the sale is of immoveable property, be made by beat of drum at the head-quarters of the taluk and in the village in which the immoveable property is situated; and, if the sale is of moveable property, the proclamation shall be made in the village in which such property was seized, and in such other places as the Deputy Commissioner may direct.

Notification of
sales.

136. (1) A copy of the proclamation of the intended sale of immoveable property and of the time and place thereof shall be affixed in each of the following places, namely, the office of the Deputy Commissioner, the office of the Tahsildar of the taluk in which the immoveable property is situated, the chauri or some other public place, if any, in the village in which it is situated, and the defaulter's dwelling-place.

(2) In the case of moveable property, a copy of the proclamation shall be affixed in the Tahsildar's office and in the chauri or some other public place in the village in which such property was seized.

(3) The Deputy Commissioner may also cause notice of any sale, whether of moveable or immoveable property, to be published in any other manner that he may deem fit.

Conduct of sales,
time for the
same and post-
ponement there-
of.

137. (1) Sales shall be made by auction by such persons as the Deputy Commissioner may appoint in this behalf.

(2) No such sale shall take place on a Sunday or other general holiday nor until after the expiration of at least thirty days in the case of immoveable property, or seven days in the case of moveable property, from the latest date on which any of the said copies shall have been affixed as required by the last foregoing section.

(3) Any such sale may from time to time be postponed for any sufficient reason.

138. Notwithstanding anything contained in the three last foregoing sections, perishable articles shall be sold by auction with the least possible delay, in accordance with such orders as may from time to time be made by the Deputy Commissioner, either generally or specially, in that behalf.

Sale of perishable articles.

139. If, at any time before the bidding at the auction is completed, the defaulter pays the arrear in respect of which the property has been proclaimed for sale, or proves to the satisfaction of the officer conducting the sale that he has already paid the same either to the person appointed under section 115 to receive payment of the land-revenue due or into the Government treasury, or furnishes security under section 133, the sale shall be stayed.

When sale may be stayed.

140. (1) Sales of perishable articles shall be at once finally concluded by the officers conducting such sales.

Sale of moveable property when liable to confirmation.

(2) All other sales of moveable property shall be finally concluded by the officers conducting such sales, or shall be subject to confirmation by such other officer as may be appointed in this behalf by general or special order of the Deputy Commissioner.

141. When the sale of any moveable property is finally concluded by the officer conducting the same, the price of every lot shall be paid at the time of sale or as soon thereafter as the said officer shall direct, and in default of such payment the property shall forthwith be again put up and sold. On payment of the purchase-money the officer conducting the sale shall grant a receipt for the same, and the sale shall become absolute as against all persons whomsoever.

Mode of payment for moveable property when sale is concluded at once.

142. When the sale of any moveable property is subject to confirmation, the party declared to be the purchaser shall be required to deposit immediately

Mode of payment for moveable property when sale is subject to confirmation.

**Secs.
142—146.**

twenty-five per centum of the amount of his bid, and in default of such deposit the property shall forthwith be again put up and sold. The full amount of purchase-money shall be paid by the purchaser before sunset of the first office day after that on which he is informed of the sale having been confirmed. On payment of such full amount of the purchase-money the purchaser shall be granted a receipt for the same, and the sale shall become absolute as against all persons whomsoever.

Deposit by purchaser in case of sale of immoveable property.

143. (1) In all cases of sale of immoveable property, the party declared to be the purchaser shall be required to deposit immediately twenty-five per centum of the amount of his bid, and in default of such deposit the property shall forthwith be again put up and sold.

(2) In the case of a survey-number or an interest in a survey-number, other than the survey-number in respect of which the arrear is due, the declaration shall be made subject to the provisions of section 214.

Purchase-money when to be paid.

144. The full amount of purchase-money shall be paid by the purchaser before sunset of the fifteenth day from that on which the sale of the immoveable property took place, or, if the said fifteenth day be a Sunday or other general holiday, then before sunset of the first office day after such fifteenth day.

Effect of default.

145. In default of payment within the prescribed period of the full amount of purchase-money, whether of moveable or immoveable property, the deposit, after defraying thereout the expenses of the sale, shall be forfeited to the Government, and the property shall be re-sold, and the defaulting purchaser shall forfeit all claim to the property or to any part of the sum for which it may be subsequently sold.

Liability of purchaser for loss by re-sale.

146. (1) If the proceeds of the re-sale amount to less than the price bid by the defaulting purchaser, the difference shall be recoverable from him by the Deputy Commissioner as an arrear of land-revenue.

(2) In case the difference is not recovered, the loss may, if the Deputy Commissioner, with the previous sanction of the Commissioner, so directs, be made good to the owner of the property sold out of the deposit forfeited to the Government under the provisions of the last foregoing section.

147. Every re-sale of property in default of payment of the purchase-money or after postponement of the first sale shall, except when such re-sale takes place forthwith, be made after the issue of a fresh proclamation in the manner prescribed for original sales.

Secs.

147—151.

Notification before re-sale.

148. (1) At any time within thirty days from the date of the sale of immoveable property, application may be made to the Deputy Commissioner to set aside the sale on the ground of some material irregularity or mistake or fraud in publishing or conducting the same ; but, except as is otherwise in the next following section provided, no sale shall be set aside on the ground of any such irregularity or mistake, unless the applicant proves to the satisfaction of the Deputy Commissioner that he has sustained substantial injury by reason thereof.

Application to set aside sale of immoveable property

(2) If the application is allowed, the Deputy Commissioner shall set aside the sale and direct a re-sale.

149. On the expiration of thirty days from the date of the sale, if no such application as is mentioned in the last foregoing section has been made or if such application has been made and rejected, the Deputy Commissioner shall make an order confirming the sale :

Order confirming or setting aside sale.

Provided that, if the Deputy Commissioner has reason to think that the sale ought to be set aside notwithstanding that no such application has been made, or on grounds other than those alleged in any application which has been made and rejected, he may, after recording his reasons in writing, set aside the sale.

150. Whenever the sale of any property is not confirmed or is set aside, the purchaser shall be entitled to receive back his deposit or his purchase-money, as the case may be.

Refund of deposit or purchase-money when sale set aside.

151. (1) After a sale of immoveable property has been confirmed in manner aforesaid, the Deputy Commissioner shall put the person declared to be the purchaser into possession and shall grant him a certificate to the effect that he has purchased the property to which the certificate refers.

On confirmation of sale, purchaser to be put in possession Certificate of purchaser.

(2) The certificate shall be deemed to be a valid transfer of property, but need not be registered as a conveyance.

Secs.
152—157.

Bar of suit
against certified
purchaser.

Certificate to
contain certain
particulars.

Application
of proceeds of
sale.

Surplus not to
be paid to cre-
ditors except
under orders
of Court.

Title and
liabilities of
purchaser.

Claims to
attached move-
able property
how to be
disposed of.

152. The certificate shall state the name of the person declared at the time of sale to be the actual purchaser; and no suit shall be brought in a Civil Court against the certified purchaser on the ground that the purchase was made on behalf of a person other than the certified purchaser, though by agreement the name of the certified purchaser was used.

153. The certificate shall state whether the property was forfeited under section 56 and sold for the recovery of an arrear due in respect thereof and freed of tenures, incumbrances and rights, or whether the right, title and interest of the defaulter or person dying intestate and without known heirs was alone sold under the provisions of section 68 or section 123, as the case may be.

154. (1) When any sale of moveable property under this Chapter has become absolute, and when any sale of immoveable property has been confirmed, the proceeds of the sale, including any sums realized under section 146, shall be applied to defraying the expenses of the sale, and to the payment of any arrears due to the Government by the defaulter on the date on which the sale became absolute or was confirmed, as the case may be, and recoverable under the provisions of this Chapter, whether the arrears are arrears of land-revenue or of sums recoverable as arrears of land-revenue, and the surplus, if any, shall be paid to the person whose property has been sold.

(2) The expenses of the sale shall be estimated at such rates and according to such rules as may from time to time be sanctioned by the Commissioner under the orders of the Resident.

155. The said surplus shall not, except under an order of a Civil Court, be payable to any creditor of the person whose property has been sold.

156. The certified purchaser of any immoveable property shall be entitled to all rents and profits falling due in respect of the property after the date of the confirmation of the sale and be liable for all instalments of land-revenue falling due in respect thereof after that date.

157. If any claim is set up by a third person to moveable property attached under the provisions of this Chapter, the Deputy Commissioner shall admit or reject

the claim on an inquiry held after reasonable notice. If the claim be admitted, wholly or partially, the property shall be dealt with accordingly. Except in so far as the claim is admitted, the property shall be sold and the title of the purchaser shall be good for all purposes, and the proceeds shall be disposed of as hereinbefore provided.

Secs.
157—159.

Application of the Provisions of this Chapter

158. (1) All sums due on account of land-revenue, all quit-rents, nazaranas, succession-duties, transfer-duties and forfeitures, and all cesses, profits from land, emoluments, fees, charges, premia, penalties, fines and costs payable or leviable under this Law or under any law, rule or order for the time being in force relating to land-revenue;

Levy of miscellaneous revenue, and of sums due from contractors and sureties as arrears of land-revenue.

and all moneys due by any contractor for the farm of abkari-duties, or of any other duty or tax, or of any other item of revenue whatsoever, and all specific pecuniary penalties to which any such contractor renders himself liable under the terms of his agreement;

and also all sums declared by this Law or by any law, rule or order for the time being in force to be leviable as an assessment, or as a revenue-demand, or as an arrear of land-revenue;

shall be recovered under the foregoing provisions of this Chapter.

(2) Every person who may have become a surety under any of the provisions of this Law, or for any such contractor as aforesaid, for any sum of money, shall, on failure to pay the amount, or any portion thereof for which he may have become liable under the terms of his security bond, be liable to be proceeded against under the provisions of this Chapter as if he were a defaulter in respect of an arrear of land-revenue.

(3) In the event of the resumption of any such farm as aforesaid, no person shall be entitled to credit for any payment which he may have advanced to the contractor.

CHAPTER XII.

CESSSES.

159. (1) The cesses referred to in clauses (a), (c) and (d) of the preamble to the Berar Rural Boards Law, Cesses.

Secs. 1885, shall, unless and until the Governor-General in
159—160. Council shall otherwise direct, continue to be levied at
the rates at which they are at present levied, namely :

UNALIENATED VILLAGES—

- (i) in an unalienated village, at the rate of fifteen pies in the rupee on the assessment of each survey-number ;

ALIENATED VILLAGES—

- (ii) in a village leased under any of the Waste-land Rules of 1865, 1876, 1879 or 1880, at the rate of two per cent. on the amount payable by the lessee as land-revenue under the terms of his lease ;
- (iii) in any other alienated village, at the rate of two per cent. on the total of the assessments of all the survey-numbers in the village :

Provided that, with respect to any village referred to in clause (ii) or clause (iii), the Deputy Commissioner may levy an additional cess at the rate of one anna in the rupee on the total of the assessments of all the survey-numbers in the village in the event of the lessee or superior holder not making adequate arrangements for the maintenance of such jaglias as may in his opinion be necessary for the village.

(2) Assessment in this section includes the amount determined and registered as well as the amount fixed under section 88.

160. The cesses referred to in the last foregoing section shall be recovered—

By whom cesses
are to be paid.

- (i) in an unalienated village, from the registered occupants and holders of the survey-numbers ;
- (ii) in a leased village, from the lessee ;
- (iii) in any other alienated village, from the superior holder :

Provided that, in the case of an alienated village where an inferior holder or tenant has a higher right in any particular survey-number than the superior holder or is entitled under the provisions of this Law or any law, rule or order for the time being in force or by custom to hold

conditionally on the payment of the assessment alone or is wholly or partially exempt from the payment of the revenue or rent, the lessee or superior holder shall be entitled to recover from the inferior holder or tenant such amount as the said inferior holder or tenant would have had to pay had he been the occupant or holder of similar land in an unalienated village.

CHAPTER XIII.

REGISTRATION AND RECORD.

161. The officer in charge of a survey shall, on the occasion of making or revising a settlement of land-revenue, prepare a register, to be called "the settlement-register," showing the area and assessment of each survey-number, together with the name of the registered occupant of such survey-number, and such other records containing such other information as may from time to time be prescribed in this behalf by the Resident. He shall also record similar particulars in regard to recognized divisions of survey-numbers.

Preparation of
statistical and
fiscal records.

162. The Deputy Commissioner shall keep the settlement-register and the other records (if any) as aforesaid, which register and other records (if any) shall, where the officer in charge of the survey is not the Deputy Commissioner, be transferred by such officer to the Deputy Commissioner on the completion of the settlement of the district, or at such other time as the Resident may direct. The Deputy Commissioner shall cause the village records and accounts to be prepared in accordance with the settlement-register and the other records (if any) as aforesaid. He shall not make in the settlement-register or in the other records (if any) as aforesaid any alterations or corrections other than those provided for by the next following section, but shall cause all changes that may take place in respect of the entries and anything that may affect the rights or interests (if any) therein recorded, together with such other information as may from time to time be prescribed by the Resident, to be registered in the village records and accounts.

Deputy Com-
missioner to
keep the sur-
vey-records.

Chap.
XIII.

Secs.

163—165.

Survey-officer or Deputy Commissioner to correct clerical and admitted errors in the settlement-register, and inquire into, and pass orders on, certain applications for mutation of names.

163. (1) The officer in charge of a survey or, if the records have been transferred to the Deputy Commissioner, the Deputy Commissioner shall at any time correct, or cause to be corrected, any clerical errors and any errors which the parties interested admit to have been made in the settlement or other records so prepared.

(2) He shall also receive and inquire into all applications, made to him at any time within two years after the introduction of the survey-settlement, for the correction of any wrong entry of the name of the registered occupant of any portion of land in the said register, and, if satisfied that an error has been made, whether through fraud, collusion, oversight or otherwise, shall correct, or cause the same to be corrected, notwithstanding that all the parties interested do not admit the error; but he shall not receive any such application at any time after two years from the date of the introduction of the survey-settlement, unless good cause be shown to his satisfaction for the delay in making such application, and no such correction of the said register shall be made in consequence of any application made after the said period of two years, except with the previous sanction of the Resident.

Register of alienated lands.

164. A register shall also be kept by the Deputy Commissioner, in such form as may from time to time be prescribed by the Resident, of all lands, the alienation of which has been established, or recognized under the provisions of any law for the time being in force; and, when it is shown to the satisfaction of the Deputy Commissioner that any sanad relating to such alienated lands has been permanently lost or destroyed, he may, subject to any rules and the payment of any fees prescribed by the Resident under section 215, grant to any person whom he may deem entitled to the same, a certified extract from the said register, which shall be endorsed by the Deputy Commissioner to the effect that it has been issued in lieu of the sanad said to have been lost or destroyed, and shall be deemed to be as valid proof of title as the said sanad.

Certain superior holders to keep records, etc.

165. Superior holders of alienated villages which have been surveyed shall be bound to keep village records and

accounts in such form as may be from time to time prescribed by instructions given under section 216 and to furnish correct copies thereof to the Deputy Commissioner periodically on such dates as may be fixed in this behalf.

CHAPTER XIV.

VILLAGE-CESES.

166. No village-cess shall be collected without the express permission of the Resident.

Unauthorized
cesses not to be
levied.

167. The Resident, in granting permission for the collection of any village-cess, may impose on the collection such conditions as to police and other establishments connected with the village market or fair in, or on account of, which the cess is levied, as he thinks fit.

Resident may
impose condi-
tions on the
levy.

168. In the case of a question arising as to whether any cess, contribution or due levied in a village is or is not a village-cess, the Resident may decide the question, and his decision shall be conclusive.

The Resident's
decision to be
conclusive in
certain cases.

CHAPTER XV.

JURISDICTION OF CIVIL COURTS IN MATTERS CONNECTED WITH THE LAND-REVENUE.

169. Nothing in this Chapter shall affect any of the provisions of the Pensions Act, 1871, or any suit instituted before the commencement of this Law.

Application of
this Chapter.

170. All suits in regard to tenures and the nature and extent of the interest and advantage which in virtue thereof should be enjoyed by the parties concerned, and all suits in which the right to possession of land is claimed, shall be brought in the Civil Courts.

Suits for land
to be brought
in Civil Courts.

171. Subject to the exceptions hereinafter appearing, no suit shall be brought in any Civil Court in respect of any of the following matters, namely:—

Bar of certain
suits.

- (a) claims against the Government relating to any property appertaining to the office of any hereditary officer or servant;

Sec. 171.

- (b) claims against the Government to perform the duties of any such officer or servant or in respect of any injury caused by exclusion from such office or service ;
- (c) objections to any order passed under rules made under section 217 ;
- (d) claims against the Government relating to lands held under treaty, or to lands granted or held on political tenure, or to lands declared by the Government, or by any officer duly authorized in that behalf, to be held for service ;
- (e) objections —
 - (1) to the amount or incidence of any assessment of land-revenue authorized by the Government, or
 - (2) to the mode of assessment or the principle on which such assessment is fixed, or
 - (3) to the validity or effect of the notification of survey or settlement, or of any notification determining the period of settlement ;
- (f) claims connected with, or arising out of, any proceedings for the realization of land-revenue. or to set aside, on account of irregularity or mistake or on any other ground except fraud, sales for arrears of land-revenue ;
- (g) claims against the Government—
 - (1) to be entered in the survey, settlement or revenue records or village-papers as liable for land-revenue, or as superior holder, inferior holder, occupant or tenant, or
 - (2) to have any entry made in any survey, settlement or revenue record, or
 - (3) to have any such entry omitted or amended ;
- (h) the distribution of land or the allotment of land-revenue on the partition of any land under the provisions of this Law or of any law, rule or order for the time being in force ;
- (i) claims against the Government—
 - (1) to hold land wholly or partially free from payment of land-revenue, or

- (2) to receive payments charged on or payable out of the land-revenue, or
- (3) to set aside any cess or rate authorized by the Government under the provisions of this Law or of any law, rule or order for the time being in force, or
- (4) respecting the occupation of waste or vacant land belonging to the Government ;
- (j) claims regarding boundaries fixed under the provisions of this Law or of any law, rule or order for the time being in force, or to set aside any order passed by a competent officer under any such law with regard to boundary-marks :

Provided that, if any person claims to hold land wholly or in part exempt from payment of land-revenue under—

- (1) any law, rule or order for the time being in force expressly creating an exemption in favour of an individual or of any class of persons, or expressly confirming such an exemption on the ground of its being shown in a public record, or of its having existed for a specified term of years, or
- (2) any written grant by the British Government expressly creating or confirming such exemption, or
- (3) a judgment of a Court of Law, or an adjudication duly passed by a competent officer under the Inam Rules, 1879, declaring the particular property in dispute to be exempt,
- a suit in respect of such claim may be brought in any Civil Court of competent jurisdiction.

Illustrations to Clause (1) of Proviso :

(1) It is enacted that, in the event of the proprietary right in lands, the property of the Government, being transferred to individuals, they shall be permitted to hold the lands for ever at the assessment at which they are transferred. The proprietary right in certain lands is transferred to A at an assessment of one hundred rupees. An exemption from higher assessment not before existing is expressly created in favour of A by enactment, and he may seek relief in the Civil Court against over-assessment.

Secs.
171—172.

(2) It is enacted that, when a specific limit to assessment has been established and preserved, the assessment shall not exceed such specific limit. A is the owner of land worth one hundred rupees for assessment. He claims to be assessed at fifty rupees only on the strength of a course of dealing with him and his predecessor under which his land has not been more highly assessed. There is no exemption not before existing created by enactment, and A cannot bring a suit to enforce his claim in a Civil Court.

(3) It is enacted that land-revenue shall not be leviable from any land held and entered in the land-registers as exempt. A claims to hold certain land as exempt on the ground that it has been so held by him, and is so entered in the land-register. This is an exemption expressly confirmed by enactment on the ground of its being shown in a public record, and A may bring a suit to enforce his claim in a Civil Court.

(4) It is enacted that the Deputy Commissioner shall confirm existing exemptions of all lands shown in certain maps to be exempt. A claims exemption alleging that his land is shown in the maps to be exempt. A may bring a suit to enforce his claim in a Civil Court.

(5) It is enacted that assessment shall be fixed with reference to certain considerations, and not with reference to others. This is not an enactment creating an exemption in favour of any individual or class, and no suit in respect of any objection to an assessment under such an enactment may be brought in a Civil Court.

Saving of
certain suits.

172. Nothing in the last foregoing section shall be held to prevent the following suits from being brought in the Civil Courts, namely :—

- (a) suits against the Government to contest the amount claimed, or paid under protest or recovered, as land-revenue on the ground that such amount is in excess of the amount authorized in that behalf by the Government, or that such amount had previous to such claim, payment or recovery, been satisfied in whole or in part, or that the plaintiff or the person whom he represents is not the person liable for such amount ;
- (b) suits between private parties for the purpose of establishing any private right although it may be affected by any entry in any survey, settlement or revenue, record, or in any village-papers ;
- (c) suits between superior holders or occupants and inferior holders, or tenants, regarding the dues claimed or recovered from the latter ;

and nothing in clause (j) of the said section shall be held to prevent suits, other than suits against the Government, for possession of land from being brought in the Civil Courts.

180. Subject to any rules made under section 178, a Revenue-officer may give and apportion the costs of any proceeding in any manner he may think fit; but, if he orders that the costs of any proceeding shall not follow the event, he shall record his reasons for such order.

181. Subject to any rules made under section 178, appearances before a Revenue-officer and applications to, and acts to be done before, him under this Law may be made or done—

Persons by whom appearances and applications may be made before and to Revenue-officers.

- (a) by the parties themselves, or
- (b) by their recognized agents, or,
- (c) with the permission of such officer, by any legal practitioner:

Provided that the employment of a recognized agent or legal practitioner shall not excuse the personal attendance of a party to any proceeding in any case in which personal attendance is specially required by an order of such officer.

182. For the purposes of the last foregoing section, recognized agents shall be such persons as the Resident may, by notification, declare in this behalf.

Recognized agents.

183. Subject to any rules made under section 178, the fees of a legal practitioner shall not be allowed as costs in any proceeding before a Revenue-officer under this Law, unless that officer considers, for reasons to be recorded by him in writing, that such fees should be allowed.

Fees of legal practitioner not to be allowed.

184. In all official acts and proceedings a Revenue-officer shall, in the absence of any express provision of law to the contrary, be subject, as to the place, time and manner of performing his duties, to the direction and control of the officer to whom he is subordinate.

Subordination of Revenue-officers.

185. (1) The Commissioner, with the approval of the Resident, shall publish in the Hyderabad Residency Orders before the commencement of each calendar year, a list of days to be observed as holidays by all or any Revenue-officers.

Holidays.

(2) A proceeding had before a Revenue-officer on a day specified in a list published under sub-section (1) as a day to be observed by him as a holiday shall not be invalid by reason only of its having been had on that day.

186. (1) Subject to any rules made under section 178, every Revenue-officer, not being lower in rank than a Tahsildar's chief subordinate, shall have power to summon any person whose attendance he considers necessary, either to be examined as a party, or to give evidence as a witness, or to produce documents for the purposes of any inquiry which such officer is legally empowered to make.

(2) For the purpose of enforcing the attendance of persons summoned, or of compelling the production of documents ordered to be produced, every such officer shall have the same powers as are conferred upon a Civil Court by the Code of Civil Procedure. x

(3) A summons to produce documents may be for the production of certain specified documents or for the production of all documents of a certain description in the possession of the person summoned.

(4) Every person summoned under sub-section (1) shall be bound to attend, either in person or by an authorised agent, as the officer summoning him may direct :

Provided that the exemptions provided for by sections 640 and 641 of the Code of Civil Procedure shall be x applicable to requisitions for attendance under this section.

(5) Every person summoned under sub-section (1) shall be bound to state the truth upon any subject respecting which he is examined and to make statements and produce such documents and other things as may be required.

187. (1) Subject to any rules made under section 178, every summons shall be in writing, in duplicate, and shall state the purpose for which it is issued, and shall be signed by the officer issuing it, and, if he has a seal, shall also bear his seal.

(2) Every such summons shall be served by tendering or delivering a copy of it to the person summoned, or, if he cannot be found, by affixing a copy of it to some conspicuous part of his usual residence.

(3) If the usual residence of a person so summoned is in another district, the summons may be sent by post to the Deputy Commissioner of that district, who shall cause it to be served in accordance with sub-section (2).

188. (1) Subject to any rules made under section 178, every notice under this Law, unless it is otherwise expressly provided, shall be served either by tendering or delivering a copy thereof to the person on whom it is to be served or to his agent, if any, or by affixing a copy thereof to some conspicuous place on the land, if any, to which such notice refers.

(2) No such notice shall be deemed void on account of any error in the name or designation of any person referred to therein, unless such error has produced substantial injustice.

189. If any party desires the attendance of a witness, he shall follow the procedure prescribed by section 160 of the Code of Civil Procedure.

Procedure for
procuring
attendance of
witnesses.

190. Every inquiry which this Law requires to be made, or which any Revenue-officer may on any occasion deem it necessary to make in the execution of his lawful duties, shall be conducted according to such rules applicable thereto, whether general or special, as may have been prescribed by the Resident or an authority superior to the officer conducting such inquiry, and, except in so far as controlled by such rules, according to the discretion of the officer in such way as may seem to him best calculated for the ascertainment of all essential facts and the furtherance of the public good.

Inquiries how
to be conduct-
ed.

191. Subject to any rules made under section 178, authenticated copies and translations of decisions, orders, and the reasons therefor, and of exhibits, shall in all cases be furnished to the parties, and original documents used as evidence shall, unless impounded under the provisions of any law, rule or order for the time being in force or detained for reasons to be recorded in writing, be restored to the persons who produced them, or to persons claiming under them, on due application being made for the same, subject to the payment of Court-fees (if any) leviable and of such charges for paper, copying and examination as may, from time to time, be authorized by the Resident.

Copies and
translations,
&c., how to be
obtained.

192. Whenever it is provided by this Law that a defaulter or any other person may be arrested, such arrest shall be made upon a warrant issued by an officer competent to direct the arrest.

Arrest of a
defaulter to be
made upon a
warrant.

193. Subject to any rules made under section 178, any Revenue-officer may at any time, and from time to time, when necessary, for the purposes of measurement, the fixing or inspecting of boundaries, the classification of land or its assessment, or for any other purpose connected with the lawful exercise of his office under the provisions of this Law or of any other law, rule or order for the time being in force relating to land-revenue, enter lands or premises, whether belonging to the Government or to private individuals and whether fully assessed to the land-revenue or wholly or partially exempt from the same :

Provided that no building used as a human dwelling and no private enclosure appertaining thereto shall be entered, unless with the consent of the occupier thereof, without a notice having been served at the said building not less than twenty-four hours before such entry ; and

Provided, also, that, in the case of buildings of all descriptions, due regard shall be paid to the social and religious prejudices of the occupiers.

CHAPTER XVII.

APPEALS AND REVISION.

Appeal to lie
from any order
passed by a
Revenue-officer
to his superior.

194. In the absence of any express provision of this Law or of any other law for the time being in force to the contrary, an appeal shall lie from every decision or order passed by a Revenue-officer under this Law or under any other law for the time being in force to that officer's immediate superior, whether such decision or order has itself been passed on appeal from a subordinate officer's decision or order or not.

Bar to third
appeals to the
Resident.

* 195. Save as otherwise provided by this Law, an appeal shall lie from an original or appellate order of a Revenue-officer as follows, namely :—

- (a) to the Deputy Commissioner, when the order is made by an Assistant Commissioner ;
- (b) to the Commissioner, when the order is made by a Deputy Commissioner ;
- (c) to the Resident, when the order is made by the Commissioner :

* This section was substituted for the original section by Government of India, Foreign Department Notification No. 2838 I.B., dated the 26th July 1901.

Provided that—

- (i) when an original order is confirmed on first appeal, a further appeal shall not lie ;
- (ii) when any such order is modified or reversed on appeal by the Deputy Commissioner, the order made by the Commissioner on further appeal (if any) to him shall be final.

196. (1) No appeal shall be brought after the expiration of forty-five days after the date of the decision or order complained of, if such decision or order has been passed by an officer inferior in rank to a Deputy Commissioner, or after the expiration of ninety days in any other case.

Periods within which appeals must be brought.

(2) In computing the above periods the time required to obtain a copy of the decision or order appealed against shall be excluded.

197. (1) Any appeal under this Chapter may be admitted after the period of limitation prescribed therefor, if the appellant satisfies the officer, or the Resident, to whom he appeals, that he had sufficient cause for not presenting the appeal within such period.

Admission of appeal after period of limitation.

(2) No appeal shall lie against an order passed under this section admitting an appeal.

198. Whenever the last day of any period, provided in this Chapter for the presentation of an appeal, falls on a Sunday or other holiday, the day next following such holiday shall be deemed to be such last day.

Provision where last day for appeal falls on a Sunday or holiday

199. Every petition of appeal shall be accompanied by the decision or order appealed against or by an authenticated copy of the same.

Copy of order to accompany petition of appeal.

200. The appellate authority may reverse, modify or confirm the decision or order appealed against, or may direct the officer who gave the decision or passed the order, to make such further investigation, or to take such additional evidence, as such authority may think necessary, or may itself take such additional evidence.

Powers of appellate authority.

201. In any case in which an appeal from a decision or order lies, the appellate authority may, pending the disposal of the appeal (if any) preferred, direct the execution of the decision or order to be suspended.

Power to suspend execution pending appeal.

**Chap.
XVIII.****Secs.
202—206.**

Power of the Resident and of certain Revenue-officers to call for and examine records and proceedings and pass orders thereon.

202. (1) The Resident and every Revenue-officer not inferior in rank to the Deputy Commissioner, may call for and examine the record of any case pending before or disposed of by any Revenue-officer subordinate to him, for the purpose of satisfying himself as to the legality or propriety of any decision or order passed, and as to the regularity of the proceedings of such officer.

(2) If in any case it appears to the Resident, or to such officer aforesaid, that the proceeding taken, decision passed or order made should be modified or reversed, he may pass such order thereon as he deems fit :

Provided that no order shall be passed under this section modifying or reversing any proceeding, decision or order of a Revenue-officer affecting any question of right between private persons without an opportunity of being heard being given to those persons.

Rules as to decisions or orders expressly made final.

203. Wherever in this Law it is declared that a decision or order shall be final, such expression shall be deemed to mean that no appeal shall lie from such decision or order.

CHAPTER XVIII.**OF PRE-EMPTION.**

Application of Chapter.

204. Nothing in this Chapter shall apply to land appropriated for building-sites.

The right of pre-emption.

205. When the interest, or any part of the interest, of a co-occupant in any survey-number is transferred by sale, foreclosure of mortgage or relinquishment in favour of a specified person for valuable consideration, every other co-occupant in the same survey-number shall have a right of pre-emption.

Notice to be given by co-occupant proposing to sell or relinquish.

206. (1) Whenever a co-occupant in any survey-number proposes to sell or to relinquish in favour of a specified person for valuable consideration, the whole or any portion of his interest in the survey-number, or when a mortgagee forecloses a mortgage upon the whole or any portion of the interest of a co-occupant in any survey-number, the co-occupant or mortgagee, as the case may be, shall give notice to all other co-occupants of the survey-number of the price at which he is willing to sell, or the amount due, as the case may be.

(2) Such notice shall be given through the Tahsildar, and shall be deemed to have been sufficiently served if it be posted at the chauri or some other public place, and proclaimed by beat of drum, in the village in which the survey-number is situated.

207. Every co-occupant having a right of pre-emption in respect of any interest in a survey-number to be sold or to be relinquished in favour of a specified person for valuable consideration shall lose such right, unless within two months from the date of the service of the notice he or his agent deposits the price aforesaid with the Tahsildar for payment to the person so proposing to sell or relinquish.

Loss of right in
case of sale or
relinquishment.

208. (1) When the right of pre-emption arises in respect of the foreclosure of a mortgage, any co-occupant entitled to such right may, at any time within two months after the service of the notice required by section 206, deposit with the Tahsildar the amount specified in such notice for payment to the mortgagee or his successor in title, and shall thereupon acquire a right to purchase the property.

Loss of right in
case of fore-
closure.

(2) On completion of the purchase, the person exercising the right of pre-emption shall be bound to pay to the mortgagee or his successor in title the amount specified in such notice, together with interest on the principal sum secured by the mortgage, at the rate specified by the instrument of mortgage, for any time which has elapsed since the date of the notice, and any additional costs which may have been properly incurred by the mortgagee or his successor in title.

209. (1) When the right of pre-emption is claimed by more than one co-occupant, the prior right to purchase, redeem or obtain by relinquishment belongs,—

Priorities in
pre-emption.

- (a) if the interest sold, mortgaged or relinquished is a portion of a recognized division of a survey-number, to the co-occupant in the recognized division who is most nearly related to the vendor, mortgagor or transferor, or, if no co-occupant is related to him, to the co-occupant who has the largest interest in the recognized division ;

- (b) if the interest sold, mortgaged or relinquished is not a portion of a recognized division of a survey-number, to the co-occupant in the survey-number who is most nearly related to the vendor, mortgagor or transferor, or, if no co-occupant is related to him, to the co-occupant who has the largest interest in the survey-number.

(2) If two or more co-occupants are equally entitled to the right, the person to exercise it shall be determined by lot.

No pre-emption
against co-
occupants.

210. Nothing contained in section 205 shall be held to give a right of pre-emption to other co-occupants when a co-occupant sells, transfers or mortgages his interest or any portion of his interest in the occupancy to any person who is already a co-occupant in the survey-number.

Mode of enforcing
the right.

211. (1) Every co-occupant having a right of pre-emption may bring a suit in the Civil Court to enforce such right on any of the following grounds, namely :—

- (a) that no due notice was given as required by section 206 ;
- (b) that deposit has been made in the manner required by section 207 or section 208 as the case may be ;
- (c) in the case of a sale or relinquishment for valuable consideration, that the price stated in the notice was not fixed in good faith ;
- (d) in the case of a mortgage, that the amount claimed by the mortgagee was not really due on the footing of the mortgage and was not claimed in good faith, and that it exceeds the fair market-value of the property mortgaged.

(2) If, in the case of a sale or relinquishment for valuable consideration, the Court finds that the price was not fixed in good faith, the Court shall fix such price as appears to it to be the fair market-value of the interest sold or relinquished.

(3) If, in the case of a mortgage, the Court finds that the amount claimed by the mortgagee was not really due on the footing of the mortgage, that it was not claimed in good faith and that it exceeds the fair market-value

of the property mortgaged, the amount to be paid to the mortgagee shall not exceed what the Court finds to be such market-value.

212. When a recognized division of a survey-number is absolutely relinquished under the provisions of section 69, the Tahsildar shall offer the occupancy so relinquished to the other occupants of the survey-number, and for this purpose shall issue a notice to such co-occupants. Such notice shall be deemed to be sufficiently served if it be posted at the chauri or some other public place in the village in which the survey-number is situated. In the case of competition among such co-occupants the Tahsildar shall sell the right of occupation to the highest bidder amongst them.

Tahsildar to offer a recognized division relinquished to the other co-occupants in the survey-number.

213. Every co-occupant having a right of pre-emption in respect of any interest in a survey-number which it is proposed to sell for the realization of arrears of revenue, or under the provisions of section 68, shall forfeit such right, unless he gives notice to the Deputy Commissioner of his intention to exercise the right on an office day before that fixed for the sale.

Loss of right in regard to property sold for arrears or under section 68.

214. (1) At any time before the close of the day on which the sale of the interest in respect of which the notice required by the last foregoing section has been given, takes place, the co-occupant who has given the notice may, on payment to the officer conducting the sale of a deposit of twenty-five per centum on the highest bid made at the sale, claim to take the property at that bid.

Exercise of right of pre-emption at such sales.

(2) If notice has been given, and deposit and claim are made by more than one co-occupant, their priority shall be decided in the manner prescribed by section 209.

(3) If the right is not disputed and there is only one claimant, that claimant shall be declared purchaser.

(4) If the right is disputed or if there is more than one claimant, the Deputy Commissioner shall inquire into and decide the dispute and declare the purchaser, and his decision and declaration shall be final.

CHAPTER XIX.

MISCELLANEOUS.

Maps, land-
registers and
village-accounts
open to inspec-
tion.

215. Subject to such rules and the payment of such fees as the Resident may from time to time prescribe in this behalf, all registers, maps, survey-records, village-records and village-accounts which have been prepared or are required to be prepared or kept by this Law or any rule thereunder or by any law, rule or order for the time being in force, shall be open to the inspection of the public at reasonable hours, and certified extracts from such registers, maps, records and accounts, or certified copies thereof, shall be given to all persons applying for the same.

Matters to be
dealt with by
executive in-
structions of
Resident.

216. (1) Subject to any express provision in this Law, the Resident may give instructions, which shall be either general or applicable to any particular case,—

- (a) determining the qualifications to be required of all members of establishments appointed under section 20 ;
- (b) regulating the power of fining, reducing, suspending and dismissing Revenue-officers, under section 32 ;
- (c) prescribing the purposes to which land liable to the payment of land-revenue may be appropriated, under section 52 ;
- (d) for the disposal of forfeited occupancies or alienated holdings, under section 56 ;
- (e) regulating the system and manner of occupying unalienated land, under Chapter VI ;
- (f) fixing the maximum amount of penalty leviable under section 59 when land which has been unauthorizedly occupied is appropriated to any non-agricultural purpose, and regulating the levy of premia under section 63 and the levy of penalties under section 64 ;
- (g) regulating the preparation of revenue, survey and settlement records and the form of the settlement registers and other records prescribed in section 161 ;

- (h) regulating the forms and preparation of village records and accounts, and the registration therein of such changes as are referred to in section 162;
- (i) permitting and regulating the partition of interest in land, carrying out such partition and giving any directions consequent thereon;
- (j) regulating the appointment, dismissal, pay and employment of jaglias and village-mahars; and
- (k) generally for the guidance and control of Revenue-officers and for the guidance of all persons in matters connected with the enforcement of this Law, or in cases not expressly provided for therein.

(2) Instructions under clause (h) of sub-section (1) may provide among other matters for—

- (i) the information to be furnished and the assistance to be rendered in order to facilitate the collection of information for the preparation of village records and accounts by persons acquiring rights in land, by superior holders of alienated villages and by the public generally;
- (ii) the penalties for neglect to furnish and render such information and assistance;
- (iii) the fees to be charged on entries in such records and the persons by whom they are to be paid; and
- (iv) the recovery of the penalties and fees last aforesaid.

217. (1) The Resident may from time to time make, and from time to time vary or rescind, rules for the settlement of disputes between village-mahars and the cultivators by whom they are maintained.

Power to make rules for settlement of disputes regarding mahars' dues

(2) Such rules may provide, among other matters, for the realization of such sums as may be found due.

(3) Until such rules are made, the rules contained in the Code of Non-Judicial Circulars, Volume III, Chapter III, C. B. Circular No. 8, shall be considered to be rules under this section and to have the force of law.

Secs.
218—221.
Publication of
certain rules.

Control by the
Governor-
General in
Council.

Chapters VIII
to X how far ap-
plicable to alien-
ated village.

218. All rules made under section 178 or section 217 shall be published in the Hyderabad Residency Orders and when so published shall, until cancelled or amended, have the force of law.

219. The Resident shall, in all matters connected with land-revenue, be subject to the control of the Governor-General in Council, and shall be bound to obey the instructions and orders of the Governor-General in Council in all cases whatsoever.

220. (1) Save as is otherwise provided in section 95 and hereinafter in this section, the provisions of Chapters VIII to X shall not be applied to any alienated village, except for the purpose of fixing the boundaries of any such village, of deciding any disputes relating thereto and of determining and registering the proper full assessment on all lands included therein, as provided in section 88, sub-section (3).

(2) But the provisions of the said Chapters shall be applicable to—

- (a) all unalienated lands situated within the limits of an alienated village ;
- (b) villages of which a definite share is alienated, but of which the remaining share is unalienated ;
- (c) alienated villages, in which the holders are entitled to a certain amount of the revenue and the Government to the rest.

(3) And the Resident may, on an application in writing being made by the holder of any alienated village to that effect, authorize the extension of all or any of the provisions of the said Chapters to such village.

Occupants in
alienated
villages.

221. When a survey-settlement has been introduced, under the provisions of the last foregoing section or of any law, rule or order for the time being in force, into an alienated village, the holders of all lands to which such settlement extends, shall have the same rights and be affected by the same responsibilities in respect of the lands in their occupation as occupants in unalienated villages have, or are affected by, under the provisions of this Law, and all the provisions of this Law relating to occupants and registered occupants shall be applicable, so far as may be, to them.

222. Nothing in this Law which applies in terms to unalienated land or to the holders of unalienated land only, shall be deemed, save in so far as may be expressly provided to the contrary, to affect alienated land or the rights of holders of alienated land or of the Government in respect of any such land, and no presumption shall be deemed to arise either in favour, or to the prejudice, of any holder of alienated land from any provision of this Law in terms relating to unalienated land only.

223. An inferior holder or tenant who has personally or through his predecessors in title held land in an alienated village or holding from a period anterior to the alienation, shall be entitled to hold that land subject to the payment of the assessment on the land determined and registered under section 88, sub-section (3), and free of any other charge on account of rent.

Title of certain classes of inferior holders and tenants to hold at favourable rates.

224. The provisions of sections 69, 71, 72, 73, 74 and 75 shall apply, as far as may be, to holders of alienated lands.

Sections 69 and 71 to 75 to apply to holders of alienated lands.

225. Villages leased under the Waste-land Rules of 1865, 1876, 1879 or 1880 shall not be partible during the currency of the lease.

Villages leased under Waste-land Rules not partible during currency of lease.

THE FIRST SCHEDULE.

ENACTMENTS REPEALED.

(See section 2.)

Number and year.	Subject.	Extent of repeal.
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PART I.

Acts of the Governor-General in Council.

X of 1859, sections 32 to 36 (both inclusive), 38 to 75 (both inclusive), 78, 82 to 104 (both inclusive), 112 to 152 (both inclusive), 155 to 162 (both inclusive), as applied to the Hyderabad Assigned Districts by the Notification of the Government of India in the Foreign Department No. 212, dated the 24th October, 1873.	Rent.	The whole.
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THE FIRST SCHEDULE—(*contd.*)ENACTMENTS REPEALED—(*contd.*)

Number and year.	Subject.	Extent of repeal.
VII of 1870, as applied to the Hyderabad Assigned Districts by the Notification of the Government of India in the Foreign Department No. 212, dated the 24th October, 1873.	Court-fees.	Section 20 so far as it relates to Revenue Courts, and the whole of section 23.
III of 1846, sections 1, 5 and 6, as applied to the Hyderabad Assigned Districts by the Notification of the Government of India in the Foreign Department No. 212, dated the 24th October, 1873.	Boundary-marks.	The whole.
XII of 1850, as applied to the Hyderabad Assigned Districts by the Notification of the Government of India in the Foreign Department No. 212, dated the 24th October, 1873.	Public Accountants.	The whole so far as it relates to Revenue-officers.

PART II.

Acts of the Governor of Bombay in Council.

I of 1865, sections 2, 10 to 14 (both inclusive), 16 to 24 (both inclusive), 46 and 47, as applied to the Hyderabad Assigned Districts by the Notification of the Government of India in the Foreign Department No. 212, dated the 24th October, 1873.	Survey and Demarcation.	The whole.
I of 1865, section 35, as applied to the Hyderabad Assigned Districts by the Notification of the Government of India in the Foreign Department No. 49-J, dated the 7th March, 1879.	Survey and Demarcation.	The whole.

THE FIRST SCHEDULE—(contd.)

ENACTMENTS REPEALED—(contd.)

Number and year.	Subject.	Extent of repeal.
IV of 1868, sections 16, 17, 19 and 20, as applied to the Hyderabad Assigned Districts by the Notification of the Government of India in the Foreign Department No. 99-R., dated the 17th October, 1877.	Survey and Settlement.	The whole.
V of 1879, sections 188 to 192 (both inclusive), as applied to the Hyderabad Assigned Districts by the Notification of the Government of India in the Foreign Department No. 4402-J., dated the 22nd December, 1886.	Bombay Land-revenue Code.	Ditto.

PART III.

Local Rules and Orders having the force of Law.

Government of India letter No. 407, dated the 10th December, 1866, and Secretary of State's despatch No. 23, dated the 16th March, 1867, as altered by Government of India letter No. 97-R., dated the 17th October, 1877.	Berar Sub-Tenancy Rules.	The whole, subject to the provisions of section 2.
Secretary of State's despatch No. 23, dated the 16th April, 1867, and the new rule substituted for Rule XIX of the Berar Settlement Rules by the Notification of the Government of India in the Foreign Department No. 118, dated the 4th December, 1877.	Berar Settlement Rules.	Ditto.
Government of India letter No. 4771, dated the 23rd February, 1883.	Rules regarding the levy of the jaglia and local cess.	Ditto.
Government of India letter No. 3662-I., dated the 11th December, 1883.	Rules about the constitution and pay of jaglias	Ditto.

THE FIRST SCHEDULE—(concl'd.)

ENACTMENTS REPEALED—(concl'd.)

Number and year.	Subject.	Extent of repeal.
Government of India letter No. 1403-J., dated the 19th April, 1884.	Rules regarding the admission of pleaders and authorized agents in revenue-cases.	The whole, subject to the provisions of section 2.
Government of India letter No. 369-R., dated the 23rd May, 1884.	Rules regarding the levy of process-fees by revenue-officers.	Ditto.
Government of India letter No. 940-I., dated the 18th March, 1886.	Exempting the jagir villages of Akoli and Balgaon from the operation of clause 2 of Rule 19 of the Berar Settlement Rules.	Ditto.

THE SECOND SCHEDULE.

FORM OF BOND TO BE REQUIRED UNDER SECTION 21.

(See section 21.)

Whereas I _____ have been appointed _____ in the Hyderabad Assigned Districts, and whereas I _____ have been required to furnish security under the provisions of section 21 of the Hyderabad Assigned Districts Land-revenue Code for the due discharge of the trusts of the said office, or of any other office to which I may be hereafter appointed, and for the due account of all moneys, papers and other property which shall come into my possession or control by reason of such office ;

Now therefore I _____, son of _____, residing at _____ in Taluk _____, District _____, do hereby furnish security to the extent of Rupees _____, and do hereby declare that if at any time, either during my tenure of

office or after, it shall appear to the Government through its constituted officers that I have failed to produce or account for any moneys, property, stores, accounts, books, papers, and the like, placed by Government under my care, or that I have falsified or made away with such accounts, books, papers, and the like, or that I have embezzled, stolen or misappropriated any such moneys, property, stores, and the like, or that through my carelessness or negligence any such moneys, property, stores, and the like, or accounts, books, papers, and the like, have been embezzled, stolen, misappropriated or otherwise made away with, out of my custody or charge, or that through my neglect the Government is subjected to any loss, I bind myself to forfeit to the Government the sum of Rs.

I further agree to the retention of this bond by Government during its pleasure.

Dated

(Signature.)

FORM OF SECURITY TO BE SUBJOINED TO THE
BOND OF THE PRINCIPAL.

Whereas _____ has been appointed in the Hyderabad Assigned Districts, and whereas the said _____ has been required to furnish security under the provisions of section 21 of the Hyderabad Assigned Districts Land-revenue Code, for the due discharge of the trusts of the said office or of any other office to which he may be hereafter appointed, and for the due account of all moneys, papers, and other property, which come into his possession or control by reason of any such office ;

Now, therefore, we

residing at _____, in Taluk _____,
District _____, do hereby become security
for the said _____ to the extent of Rs. _____

_____, and we hereby declare that if at any time, either during the tenure of office of the said _____ or after it shall appear to the Government through its constituted officers that during the period of our suretyship the said _____ has failed to produce or account for any moneys, property,

stores, accounts, books, papers, and the like, placed by Government under his care, or that the said has falsified or made away with any such accounts, books, papers, and the like, or that the said has embezzled, stolen or misappropriated any such moneys, property, stores, and the like, or that through the carelessness or negligence of the said any such moneys, property, stores, and the like, or accounts, books, papers, and the like, have been embezzled, stolen, misappropriated or otherwise through the neglect of the said the Government is subjected to any loss, we bind ourselves jointly and severally to forfeit to the Government the sum of Rs.

We further agree to the retention of this bond by Government during its pleasure. Provided always that we, the said and , or either of us, shall be at liberty to terminate our or his suretyship upon giving to the Deputy Commissioner for the time being of the District six calendar months' notice in writing of our or his intention so to do.

Accepted.

(Signatures of sureties.)

THE THIRD SCHEDULE.

FORM OF WARRANT TO BE ISSUED BY THE DEPUTY COMMISSIONER UNDER SECTION 23 AND SECTION 125.



To

The Officer in charge of the Civil Jail at

WHEREAS A. B. of

was on the

day of

ordered by to

(here state the substance of the demand made) ;

and whereas the said A.B. has neglected to comply with the said order, and it has therefore been directed under the provisions of section of the Hyderabad Assigned Districts Land-revenue Code that he be imprisoned in the Civil Jail until he

obey the said order or until he obtain his discharge under the provisions of section _____ of the said Code ; you are hereby required to receive the said A. B. into the Jail under your charge, and to carry the aforesaid order into execution according to law.

Dated this _____ day of _____ 19 .

(*Signature of Deputy Commissioner.*)

THE FOURTH SCHEDULE.

FORM OF BOND TO BE REQUIRED UNDER SECTIONS 26 AND 133.

WHEREAS I, _____ have been ordered by _____ to (*here state the nature of the demand*) ; and whereas I dispute the right of the said _____ to make the said order, I hereby bind myself to file a suit within fifteen days from the date of this bond in the District Court of _____ to contest the justice of the demand, and to agree that, in the event of a decree being passed against me, I will fulfil the same, and will pay all amounts, including costs and interest, that may be due by me, or that, if I fail to institute a suit as aforesaid, I will, when required, pay the above-mentioned amount of _____ rupees (or will deliver up the above-mentioned papers or property, as the case may be), and, in the case of my making default therein, I hereby bind myself to forfeit to the Secretary of State for India in Council the sum of _____ rupees.

Dated this _____ day of _____ 19 .

(*Signature.*)

FORM OF SECURITY TO BE SUBJOINED TO THE BOND OF THE
PRINCIPAL.

WE, _____ hereby declare ourselves securities for the abovesaid _____, that he shall do and perform all that he has above undertaken to do and perform, and in case of his making default therein we hereby bind ourselves to forfeit to the Secretary of State for India in Council the sum of _____ rupees.

Dated this _____ day of _____ 19 .

(*Signature.*)

THE FIFTH SCHEDULE.

(See section 79.)

I.—FORM OF NOTICE TO BE GIVEN BY LAND-LORD TO QUIT.
To

A. B.

I do hereby give you notice that I do intend to enter upon and take possession of the land (here give the description) which you now hold as tenant under me, and you are therefore required to quit and deliver up possession of the same at the end of this current year, terminating on the of 19 .

Dated this day of 19 .
(Signature, C. D.)

II.—FORM OF NOTICE TO BE GIVEN BY TENANT TO LAND-LORD OF HIS INTENTION TO QUIT.

To

C. D.

I do hereby give you notice that I shall quit and deliver up to you, at the end of this current year, terminating on the of 19 ,
the land (here give the description) which I hold from you.

Dated this day of 19
(Signature, A. B.)

RULES UNDER THE BERAR LAND REVENUE CODE, 1896.

AGRICULTURAL AND REVENUE YEAR.

[Section 4 (18).]

1. The "Agricultural year" shall be deemed to commence on the 1st day of April and the "Revenue year" on the 1st day of August.

POWERS OF ASSISTANTS.

[Section 12 (1).]

2. An Assistant may be placed in charge of the Revenue administration of one or more Taluks after he has fully passed the prescribed departmental examination by the Higher Standard, and with the previous sanction of the Commissioner, but not otherwise.

3. An Assistant placed in charge of the Revenue administration of one or more Taluks shall be styled a "Sub-Divisional Officer," and his charge shall be termed a "Sub-Division."

[Section 12 (2) & (3).]

4. An Assistant, after he has passed the prescribed departmental examination by the Higher Standard, may be invested by the Commissioner with all or any of the following powers of the Deputy Commissioner, whether he is placed in charge of the Revenue administration of one or more Taluks or not :—

- (1) Power to grant sites for building purposes, to grant permission to remove earth, stone, kankar, sand, muram or other material from unoccupied unculturable land not set apart for any special purpose.—Section 38.
- (2) Power to dispose of trees, the property of Government, standing on *gothans* (village sites), *gothans* (standing ground for cattle), *khalwads* (threshing floors), alongside district and village roads, and on other Government lands which are not State forests—Section 44.
- (3) Power to recover the value of any Government tree or portion thereof unauthorisedly felled and appropriated.—Section 46 (1) and (2).
- (4) Power to evict a holder who appropriates or attempts to appropriate land to a purpose which has been prohibited.—Section 52 (3).
- (5) Power to dispose of a forfeited occupancy or alienated holding:—Sections 56 and 57.
- (6) Power to levy assessment and penalty for unauthorised occupation or appropriation of Government land, summarily to evict the trespasser, to order forfeiture and disposal of crops on the land

unauthorisedly occupied or appropriated, and to order forfeiture and disposal of any building or other construction on such land after due notice.—Section 59.

- (7) Power to grant applications for appropriation of occupied land to any non-agricultural purpose and to order the payment of premium and fix a new assessment.—Section 63.
- (8) Power summarily to evict persons from agricultural land appropriated to other purpose without permission and to levy penalty and fix a new assessment.—Section 64.
- (9) Power to inflict a fine on failure to grant a receipt.—Section 81.
- (10) Power to fix boundaries of villages and settle village boundary disputes.—Section 97.
- (11) In cases of anticipated default, power to order holders generally or particular holders in a village (a) not to reap their crops without giving notice and (b) not to remove their crops without permission; (c) power to appoint watchmen to be placed over such crops and to realize the amount required for their remuneration; and (d) power to levy a fine for disobedience of such order.—Section 110 (a) (b) and (c) and Section 111 (3).
- (12) Power to release the crop detained, if such detention has been ordered by the Assistant, and power to sell such crop for recovery of land-revenue.—Section 112.
- (13) Power to levy a penalty on account of wilful default.—Section 117.
- (14) Power to cause a defaulter's attached moveable property to be sold.—Section 122
- (15) Power to cause the right, title and interest of a defaulter in immoveable property to be attached and sold.—Section 123.
- (16) Power to decide in particular cases what property is entitled to exemption from attachment.—Section 124 (2).
- (17) Power to order the arrest of a defaulter and to detain him in imprisonment.—Section 125 (1) and (2).
- (18) Power to declare an occupancy forfeited on account of default.—Section 127.
- (19) Power to release a defaulter in custody or imprisonment, and to stay execution of any other process.—Section 133.
- (20) Power to issue a proclamation of sale in the case of immoveable property.—Section 134.

- (21) Power to issue a notice of sale in the case of immoveable property.—Section 136 (3).
- (22) Power to recover the difference between the proceeds of a re-sale and the price bid by the original defaulting purchaser of immoveable property.—Section 146 (1).
- (23) Power to set aside the sale of immoveable property on the ground of some material irregularity, mistake or fraud, and to order a fresh sale.—Section 148.
- (24) Power to set aside the sale of immoveable property on other grounds, and power to confirm the sale.—Section 149.
- (25) Power to put the purchaser in possession of immoveable property and to grant a certificate.—Section 151.
- (26) Power to dispose of claims to attached moveable property.—Section 157.
- (27) Power to settle disputes between co-occupants as regards the right of pre-emption.—Section 209.
- (28) Power to settle disputes in regard to pre-emption in cases of land ordered to be sold for arrears of land-revenue.—Section 214.
- (29) Power to settle disputes between village mahars and cultivators in respect of the rate at which the mahars' *hugs* are payable.—Section 217.

5. The powers specified in the preceding rule shall be exercised subject to the rules hereinafter prescribed.

6. In a District where there are one or more Sub-Divisional Officers and also one or more other Assistants invested with any of the powers of the Deputy Commissioner, the Deputy Commissioner will, under the general control of the Commissioner, determine what powers or duties the Sub-Divisional Officer or Officers and the other Assistant or Assistants respectively shall exercise or perform.

7. Assistants who have not passed the prescribed departmental examination by the Higher Standard may investigate and report on such cases as the Deputy Commissioner may by general or special order refer to them, final orders in such cases being passed either by the Deputy Commissioner or Sub-Divisional Officer, as the Deputy Commissioner may direct.

POWERS OF TAHSILDARS.

[Section 14.]

8. Tahsildars will exercise the following powers in addition to those expressly assigned by the Code :—

- (1) (a) Power to grant sites not exceeding 5 *guntas* in each case in villages with a population not exceeding 5,000, and (b) power

to grant permission to remove earth, stone, kankar, sand, muram or other material from unoccupied unculturable land not set apart for any special purpose.—Section 38.

- (2) Power to grant permission to cut and remove trees in occupied land.—Section 41.
- (3) Power to dispose of dead trees, the property of Government.—Section 44.
- (4) Power to grant permission to lop trees the property of Government or any local body situate in occupied land.—Section 45 (1).
- (5) Power to dispose of applications and settle disputes regarding usufruct of trees.—Sections 47 and 48.
- (6) Power to accept an agreement to become the registered occupant of a field.—Section 58 (2).
- (7) Power to require payment of a price for occupancy of land, and to sell the occupancy right and to annex the prescribed conditions to such right.—Section 60.
- (8) Power to grant permission to remove earth, stone, kankar, sand, muram or other material from the unculturable portions of occupied fields.—Section 63.
- (9) Power to effect transfers and mutations of fields.—Sections 72 and 73.
- (10) Power to receive land-revenue from persons other than the registered occupants.—Section 76.
- (11) Power to serve notice of a landlord to his tenant for enhancement of rent.—Section 78 (8).
- (12) Power to determine field boundaries and settle field boundary disputes.—Sections 98 and 99.
- (13) Power to have boundary marks constructed or repaired and to assess all charges incurred thereby.—Section 101.
- (14) Power to prevent removal of crop in cases of anticipated default.—Section 109.
- (15) In individual cases of anticipated default, power to (a) require notice being given to the Tahsildar before the standing crop on land is reaped; (b) give order not to remove the crop without permission; and (c) appoint a watchman and realise the amount required for his remuneration.—Section 110.
- (16) Power to release the crop detained, if such detention has been ordered by the Tahsildar.—Section 112.
- (17) Power to realise land-revenue in case of default.—Section 117.
- (18) Power to issue a notice of demand.—Section 121.

- (19) Power to distrain a defaulter's moveable property.—Section 122.
- (20) Power to arrest or cause to be arrested a defaulter under the express authority in each case of the Deputy Commissioner or an Assistant.—Section 125 (1).
- (21) Power to issue a proclamation of sale in the case of moveable property.—Section 134.
- (22) Power to issue a notice of sale in the case of moveable property.—Section 136 (3).
- (23) Power to appoint, dismiss and punish jagtias.—Section 216 (j).
- (24) Power to appoint, dismiss and punish village mahars, and to decide disputes between cultivators and village mahars.—Sections 216 (j) and 217 (1) and (2): provided that, where the rate at which *hugs* are payable is in dispute the Tahsildar will apply to the Sub-Divisional Officer for orders.

9. The powers set forth in the preceding rule shall be exercised subject to the rules hereinafter prescribed.

10. Tahsildars may also dispose of such miscellaneous cases as the Commissioner may from time to time direct.

NAIB TAHSILDARS—THEIR DUTIES.

[Section 17.]

11. Naib Tahsildars are appointed to be "Revenue officers."

12. Every Naib Tahsildar shall be directly and entirely subordinate to the Tahsildar of the Taluk in which he is serving, and shall be deemed to be the subordinate of highest rank under the Tahsildar.

13. Every Naib Tahsildar shall discharge such duties as may from time to time be assigned to him consistently with the Code by the Tahsildar, the Deputy Commissioner, the Commissioner or the Chief Commissioner. The principal duties to be performed by him are the following:—

- (1) To attend to treasury work and dispose of all treasury matters under the Tahsildar's supervision.
- (2) To make enquiries and submit reports in cases when required by the Tahsildar.
- (3) To supervise all the registers maintained in the Tahsil.
- (4) To examine the village officers' daftars, ryots' receipt books, cattle pounds, abkari shops, vital statistics registers, and to inspect crops and boundary marks when on duty in the Taluk.
- (5) To pay particular attention to the jamabandi work.

- (6) To check the periodical returns and see that they are submitted correctly and punctually.
- (7) To pay special attention to the preparation of all wasulbakis and put up memos. for the orders of the Tahsildar whenever a payment becomes overdue.
- (8) To fill up registers A and B.
- (9) To sell property in cases when ordered by the Tahsildar.
- (10) To receive village post, and during the absence of the Tahsildar, all other post.
- (11) To compare *adhavas* (village balances) and to examine pound registers.
- (12) To deal with such of the miscellaneous class cases (*khatewari* cases) as the Commissioner may from time to time determine.
- (13) To hold charge of the Tahsil during the absence of the Tahsildar on leave or on duty.
- (14) To supervise the work of the Tahsil establishment generally and to assist the Tahsildar in all matters except magisterial work.

APPOINTMENTS, QUALIFICATIONS, &c., OF REVENUE ESTABLISHMENTS.

[Sections 20, 32 and 216 (a) (b) and (k).]

14. The general rules framed by the Chief Commissioner regarding the appointment, dismissal and punishment of ministerial and menial officials will regulate the appointment, dismissal and punishment of all members of Revenue establishments.

SECURITY TO BE FURNISHED BY REVENUE OFFICERS.

[Section 21.]

15. The Revenue officers hereinbelow mentioned shall, previously to entering upon their office, furnish security to the amounts respectively entered against their names:—

Name of Office.	Place.	Amount of security to be taken.	Remarks.
		Rs.	
Tahsildars ... ..	...	5,000	
Naib Tahsildars ... ..	...	2,500	
Head Accountants ... ..	...	2,500	
Treasurer	Buldana ...	5,000	
Do.	Yestmal ...	5,000	
Potdars ... ..	...	500	
Stamp Store Clerk	Amraoti ...	5,000	
Do.	Akola ...	6,000	
Nazir on a salary not exceeding Rs. 50 ... ..	...	2,000	This security is to be furnished if the Nazir is borne on the Revenue Establishment.
Nazir on a salary exceeding Rs 50 ... ..	...	3,000	
Shahanavis at Tahsils ... ..	...	500	
Revenue Head Copyists ... ..	...	200	

16. Every person who has furnished no security whatever shall, on being appointed to officiate in any office such as is referred to in Rule 15, whatever the probable duration of his tenure thereof, furnish before entering thereon security to the amount required in respect of such office by the said rule or to such smaller amount as the Deputy Commissioner in the particular case may deem reasonable and sufficient.

17. An officer who has furnished security to any amount required by Rule 15 shall not ordinarily, on being temporarily appointed to officiate in any office for which security to a greater amount is required by Rule 15, be required to furnish additional security unless his tenure of such office is in the opinion of the Deputy Commissioner likely to last more than three months.

18. Every officer appointed to officiate in any office such as is referred to in Rule 15 shall, if his tenure thereof is in the opinion of the Deputy Commissioner likely to last more than three months, furnish before entering thereon the full security required by Rule 15 in respect thereof.

19. The security to be taken from treasurers shall ordinarily consist of promissory notes (including stock notes) of the Government of India, but the Commissioner may recommend in any particular case the relaxation of this order in respect of an individual treasurer.

20. Personal security may be taken from public servants other than treasurers who are entrusted with the charge of public money.

21. When personal security has been approved and accepted, the Deputy Commissioner who accepts the security must insist on there being two sureties, and on their executing a joint bond in the form given in Schedule II of the Land Revenue Code, for the full amount of the security, and not one bond each for half the amount.

22. Careful enquiry regarding the solvency of each surety will be made year by year by the Deputy Commissioner.

Care must be taken that no one person's security is accepted on behalf of a disproportionately large number of officers, whether such officers belong to the same office or department or not.

23. The Deputy Commissioner shall submit annually to the Commissioner, on or before the 31st January, a statement in the form of Appendix I, showing the results of enquiries as to the sufficiency of the security of each officer in his district required by Rule 15 to furnish security.

24. Security bonds taken will be kept in treasuries under the sole lock and key of the Treasury Officer.

A register of securities furnished will be maintained in English in form Appendix II.

25. As each security is received, it will, after being registered, be inscribed in red ink with the number in the second column of the register and then placed in order in a file book.

26. Security bonds will not be annually given out to be tested, as it is not necessary that the officer furnishing the statement required in the foregoing Rule 23 should see the bond to enable him to report if the persons mentioned in it are good for the money they are sureties for.

27. In the event of any surety being proceeded against under Section 25 of the Land Revenue Code, for recovery of the amount, or for any portion of the amount, for which he has become liable, a report shall be submitted to the Commissioner before the sale of any property of such surety is commenced.

POWER TO GRANT PERMISSION TO REVENUE OFFICERS AND ESTABLISHMENTS TO HOLD LAND, &c.

[Section 30 (2).]

28. The Chief Commissioner is pleased to delegate his power to the Commissioner to grant permission, in particular cases, to Naib Tahsildars, Clerks of Court, Deputy Clerks of Court and District Inspectors of Land Records and Agriculture to hold land in the Districts in which they may be serving for the time being.

29. The Chief Commissioner is also pleased to delegate his power to Deputy Commissioners to grant permission, in particular cases, to Circle Inspectors and ministerial officers subordinate to Deputy Commissioners other than those specified in the preceding rule, to hold land within the District in which they may be serving for the time being.

DISPOSAL OF GOVERNMENT BUILDING SITES.

[Sections 33 and 52.]

PART I.—RULES FOR THE DISPOSAL OF LAND SET APART FOR BUILDING IN CIVIL STATIONS, MUNICIPALITIES, AND OTHER SPECIAL PLACES.

30. These rules shall apply to every municipality, and to any other local area to which they may, from time to time, be extended* by the Chief Commissioner.

* They have been extended to the under-mentioned places by Residency Orders Notification No. 66, dated 26th February 1894:—

Town of Karanja.
Amraoti Town
" Municipality.
Amraoti Camp do.
Akola do.
Akot do.
Khamgaon do.
Shegaon do.
Buldana do.
Basim do.
Yeotmal do.
Ellichpur City do.
Ellichpur Camp do.

31. In any place to which these rules apply, the Deputy Commissioner, with the previous sanction of the Commissioner, may set apart any lands at the disposal of the Government which he considers should be reserved for building. He should enter such lands in a register in the form to be prescribed by the Commissioner, and cause a map to be made of them. Such lands shall be known as "building reserves," and they shall not be occupied, nor shall any interest be acquired in them, except as provided by these rules. Nor shall any building be allowed in any such place within any Government land other than land set apart under this rule.

32. The entire administration of, and collection of rents from, Government lands situated within municipal limits shall be kept in the hands of the Revenue officers. Such lands shall be administered as other Government lands, and the rents collected shall be credited to Government, unless specially allotted, under the Chief Commissioner's orders, to the municipality concerned.

33. Occupancies of building sites will, subject to payment of an upset price and annual rent, either be disposed of in perpetuity or leased out for a definite period. If building sites are leased, the lease should not ordinarily be for a shorter period than thirty years, and should in all cases provide for renewals up to ninety years.

34. When any person desires to acquire the occupancy right in any land comprised in the building reserves, he may apply for it to the Deputy Commissioner or any other officer appointed by him in this behalf.

35. The officer will have discretion to reject an application without assigning any reasons; but if he entertains it, he will assess the land to rent for the unexpired portion of the current settlement of the Taluk within which it is situated, and shall fix the minimum price at which the occupancy right, subject to the rent for the time being assessed, will be disposed of:

Provided that (1) the rent fixed in the first instance or at future settlements as hereinafter directed, should ordinarily be 33 per cent. of the letting value of the land, or the highest assessment imposable on agricultural land of the best class in the neighbourhood, whichever is greater; (2) the occupancy of land near a railway station or in any situation where it is likely to become valuable or to be required for any public purpose, will not be disposed of for long periods; (3) in any case which for some special reason it is desirable to treat separately, Deputy Commissioners may grant sites on fair terms to be approved by the Commissioner without following the procedure prescribed in Rules 35, 37 and 38.

An entry showing the terms of the grant of such land shall be made in the register maintained under Rule 31.

36. The Deputy Commissioner shall then publish a notice in form Appendix III, describing the land, stating the revenue and minimum price assessed and fixed for it, and whether the occupancy right will be granted in perpetuity or for a term, and calling upon any persons, other than the original applicant, desiring to acquire the occupancy right, to apply to him for the same within one month from the date of the notice.

37. If at the expiration of the said period of one month no person has applied as last aforesaid, the original applicant shall, on paying to the officer the minimum price, be entitled (a) to receive from the officer a certificate in form Appendix IV, if he has been granted the occupancy right in perpetuity, or a lease in form Appendix V, if the occupancy has been leased out; and (b) to be placed in possession of the land by the officer or by some other person appointed by him in that behalf.

A duplicate will be kept of every lease executed under this rule.

If the occupant has been granted the occupancy right in perpetuity he will be required to execute an agreement in form Appendix VI.

38. If at the expiration of the said period of one month any person has applied as aforesaid, the occupancy right in perpetuity or for a definite period, as the case may be, shall be put up, at an upset price equal to the minimum price fixed, to public auction at a time and place of which notice in form Appendix VII shall be given, and the highest bidder at the auction shall, on paying the amount of his bid, be entitled to receive a certificate or lease, as the case may be, and be put in possession as provided by Rule 37. The notice prescribed by this rule and by Rule 36 shall be affixed on the notice board of the Deputy Commissioner's and of the Tahsildar's offices, and also, if the land is situate within a municipal town, on the notice board of the municipal office.

39. The rent of all land in which an occupancy right has been acquired under the foregoing rules shall be open to revision whenever the assessment of the Taluk within which it is situated is revised, but such revision shall be carried out by the Deputy Commissioner, or some other officer appointed by him in this behalf, under such rules as the Commissioner, with the previous sanction of the Chief Commissioner, may from time to time make in this behalf.

40. When an occupancy right has not been acquired under the foregoing rules in a portion of the building reserves, a Deputy Commissioner may permit any person to occupy that portion for such purpose and subject to the payment of such revenue and to such conditions as the Deputy Commissioner may think fit for one year, and may, on the expiration of that year, permit such occupation to continue for a second year, and so on from time to time, provided that a person occupying land under such permission shall acquire no right to occupy it after the expiration of the year for which such permission is given.

41. When building reserves are situate within the limits of a municipality, the Commissioner may, with the previous sanction of the Chief Commissioner, direct that all or any of the functions to be discharged by the Deputy Commissioner under the foregoing rules shall, subject to the control of the Deputy Commissioner, be discharged by the Municipal Committee, and that all or any of the powers of a Revenue officer for the realization of the revenue due from the reserves shall, subject to the same control, be exercised by a servant of the Committee, who shall pay in the amount of his collections and account for the same in such manner as the Commissioner, with the previous sanction of the Chief Commissioner, may from time to time direct.

42. The Deputy Commissioner may, in each case, prescribe the conditions as regards provision of drains and separation of out-houses for animals from the main buildings on which permission to erect buildings on building reserves should be granted, and such conditions will be embodied in the certificate or lease to be granted to the occupant,

43. These rules do not apply to any building sites already occupied, or to agricultural land in which an occupancy right has been acquired before the rules were extended.

44. Applications for extensions to existing building sites will be dealt with by Deputy Commissioners as they think fit, having regard to the general purport of these rules.

45. No person may acquire an occupancy right for purposes of cultivation in any survey number which has been set apart as a building reserve. But any such survey number, not immediately required for building, may be let out for cultivation from year to year.

PART II.—RULES FOR THE DISPOSAL OF GOVERNMENT LAND AND THE ASSIGNMENT OF BUILDING SITES NEAR RAILWAY STATIONS.

46. Waste land within half a mile of a railway station should not be given out for cultivation.

47. A strip of land one hundred yards broad should be reserved round each railway station for possible extensions of the stations, and a further strip of such breadth as the Commissioner may, in each case, from time to time determine, should be reserved beyond the first. In this latter area sites may be granted in the manner prescribed in the foregoing rules, after sufficient space has been set aside for public purposes; provided that occupancies of such sites will be invariably leased out. Occupied land required to complete either area may, with the Commissioner's approval, be acquired under the Land Acquisition Act.

48. The land set apart for building purposes near railway stations should in the first instance be marked out in convenient plots and mapped in such a manner that persons desirous of becoming occupants may clearly know what plots are available.

Due provision should be made in the plan for roads and approaches and access of air and light, and careful regard should be had to sanitary requirements.

49. These rules apply to the undermentioned railway stations which are not included in the limits of any municipality or civil station, and to any new railway stations which may be hereafter established :—

Buldana District.

1. Khamkhed.
2. Malkapur.
3. Biswa.
4. Nandura.

5. Jalamb.

6. Nagzari.

Akola District,

1. Paras.

2. Dapki.

3. Hewalkhera.

4. Borgaon.

5. Katipurna.

6. Martizapur,

7. Mana.

8. Kuram.

Amraoti District,

1. Takli.

2. Badnera.

3. Malked.

4. Chandur.

5. Nimbora.

6. Dhamangaon.

7. Dapuri.

PART III.—RULES REGARDING ASSIGNMENT OF BUILDING
SITES IN VILLAGES.

50. The duty of assigning ground in village sites (“gaothan”) for building and other similar purposes shall ordinarily rest with the patel, or, if there is a revenue as well as a police patel, with the revenue patel.

51. In granting sites patels must be careful not to infringe the rights of Government by assigning lands which, as having been occupied by Government buildings (e. g., *garies*, old tahsil buildings, &c.), whether ruined or otherwise, or for any other reason, are regarded as specially the property of Government, and not as part of the general village *gaothan*.

52. No encroachments on public lands or any area used for any common village purpose should be allowed. No land should be assigned within 30 cubits of any well or stream or the boundary of a tank.

53. Patels cannot assign more than one *gunta* of land to any person or allow any extension of site so as to exceed one *gunta*, and within this limit land according to actual requirements should be assigned.

54. Patels must not assign sites regarding which there is dispute. An infringement of this rule may involve them in litigation for which they will be personally responsible.

55. When any person wants land of more than one *gunta* in extent, or there is dispute about the site, or for any other reason the patel is in doubt whether the land should be given, he should make each of the persons requiring the land give him a written application, which he should forward with his remarks for the orders of the Tahsildar.

56. Patels should not assign or give away land in—

- (a) towns or villages which have a population of 2,000 persons or more ;
- (b) bazar towns or villages ;
- (c) towns or villages close to railway stations ;
- (d) any place where the ground is likely to be required by Government ;
- (e) any place where it possesses a clear marketable value.

57. When a Tahsildar receives an application under Rule 55 he shall proceed as follows :—

- (a) If the land asked for is specially Government property, he shall after such enquiry as may be necessary, refer the matter for the orders of the Sub-Divisional Officer.
- (b) In other cases he should pass suitable orders after necessary enquiry. He should reject an application where there is a dispute as to ownership, unless it is clearly proved, after enquiry, that the site belongs to Government.
- (c) When there are more applicants than one for a site which is available for building purposes, the Tahsildar will either put up the occupancy right to auction, or assign the land to one of the parties, if he thinks that such party should be given the preference either because the land adjoins a plot already in the party's possession or for any similar reason.

When a Tahsildar directs that a site be put up to auction, he will cause a plan to be prepared by the patwari or some other person specially deputed for the purpose. This should be done in other cases also where disputes are likely to arise. No ground-rent should be reserved except under special circumstances and with the sanction of the Sub-Divisional Officer,

58. When auction sale is resorted to, the following procedure shall be observed :—

- (a) A notice specifying the date fixed for the sale and the area and boundaries of the site to be sold shall be stuck up at some place close to the site, and also at the village chowri, at least a week before the sale is held.
- (b) The sale shall be held on the spot by some tahsil official, above the rank of peon, deputed for the purpose.
- (c) The officer who holds the sale shall, on arriving at the village, cause the sale to be announced by beat of drum for an hour before commencing the auction.

59. No assignment or sale of the occupancy right of any area exceeding five *gunas* to one person should be made by a Tahsildar except with the previous sanction of an Assistant Commissioner.

60. No assignment of any area whatsoever, by sale or otherwise, in villages with a population exceeding 5,000 shall be made by the Tahsildar without the sanction of the Assistant Commissioner.

61. The Deputy Commissioner may at any time withdraw, for special reasons, the powers of the patel or the Tahsildar to grant sites in any village, in which case applications for sites must be submitted through the patel to the Tahsildar, who will, after necessary enquiry, refer them to the Assistant Commissioner for orders.

PART IV.—GENERAL.

62. The foregoing Rules 30 to 61 inclusive do not apply to unoccupied and unassessed waste lands in such villages lying beyond the authorised village site (*gaothan*). Any application for permission to build on such land must be dealt with on its own merits and be submitted for the orders of the Commissioner.

63. In every case of the disposal of a building site the occupancy only, and not the full proprietary right in the soil, is to be granted.

64. If in any case it should be thought desirable for special reasons to confer the full proprietary right, the matter should be referred to the Chief Commissioner for orders.

65. For all Government sites disposed of in municipalities and civil stations, as also in such other towns as the Deputy Commissioner may, from time to time, determine, a register, in the form to be prescribed by the Commissioner, will be maintained by the Tahsildar.

A simple register will also be maintained by the village officials for Government sites assigned in other towns and villages.

66. The rules regulating the relinquishment of occupancy right in fields shall, *mutatis mutandis*, also apply to assigned building sites paying rent to Government.

67. No land, except in rural areas, may be sold revenue free in perpetuity or for a term of years. Any special cases, where it is proposed to sell land revenue free should be referred to the Chief Commissioner for orders.

68. No revenue free grant of land and no right of any description over land belonging to Government may be made to, or exercised by, a Municipality or a District Board without the previous sanction of the Chief Commissioner. When any such transfer or exercise of right is sanctioned, it will be made subject to such conditions as the Chief Commissioner thinks fit. But nothing in this rule shall be deemed to prevent the grant of occupancies to Municipalities or District Boards on the same terms as are applicable to such grant to other persons.

69. Unless otherwise ordered in any particular case, annual rents on building sites shall be payable on the 1st April. Unless the Deputy Commissioner directs otherwise in any special case, fractions of a year will be considered to be a whole year for the purposes of collecting rent.

DISPOSAL OF LAND TO WHICH SURVEY SETTLEMENT HAS NOT BEEN EXTENDED.

[Sections 38 and 60.]

70. The occupancy of culturable land in beds of rivers and streams (commonly used for the cultivation of melons) may be sold annually by auction under the orders of the Deputy Commissioner for the term of one year, or for such period not exceeding three years as the Deputy Commissioner thinks fit. The Chief Commissioner is pleased to exempt such land from payment of assessment under Section 49 of the Land Revenue Code.

Disposal of minor rights.

71. The Deputy Commissioner may, at his discretion, sell by public auction, or otherwise dispose of the right to remove earth, stone, kankar, sand, muram or any other material which is the property of Government for such period not exceeding five years, in such quantities and on such terms as he thinks fit. Provided that such sale or other disposal be made subject to the privileges conceded by the two next following rules. The rate charged by the Deputy Commissioner under this rule, when the right in question is not put up for sale by auction, may be either a lump sum, or so much per cubic foot of excavation, or, in the case of a Railway Company requiring land for excavating ballast, so much per mile of the railway line for which ballast is obtained, or otherwise as the Deputy Commissioner thinks fit.

72. Any person may, within the limits of the village in which he resides, remove earth, stone, kankar, sand, muram or other material from the beds of rivers and *nalas*, or from any unassessed waste land not assigned for special purposes, for his own *bona fide* domestic or agricultural purposes, without payment of fee, on obtaining the written permission of the revenue patel.

Potters and brick and tile makers shall be entitled to the same privilege for the *bona fide* purposes of their trade, but they must first obtain the permission of the Tahsildar.

If the patel refuses permission when it is applied for under this rule, the applicant should apply to the Tahsildar. But the Deputy Commissioner, in such cases as he thinks fit, may prohibit the Tahsildar or the patel from giving permission without obtaining his or the Assistant Commissioner's previous sanction.

73. Any person may, with the sanction of the revenue patel, take free of all charge from village tanks as much earth, stone, kankar, sand, muram or other material as he requires, provided that no stones shall be removed that may have fallen in from the banks of built tanks, and that no excavation shall be made within ten cubits of the foot of the embankment of any such tank.

74. The Public Works Department, the District Boards and Municipalities and other public departments may, with the permission of the Deputy Commissioner, and subject to his supervision, remove earth, stone, kankar, sand, muram and any other material from the beds of rivers, *nalas* or public tanks, or from any unassessed land other than forest, or any unoccupied assessed land not set apart for special purposes, for works of public utility without payment, whether such works be constructed departmentally or by contract.

NOTE.—Some important orders of the Government of India regarding assignment of Government land are published in Appendix VIII.

Grazing.

[Section 40.]

75. Persons who have taken out a license to graze their cattle in any State Forest lands will be entitled, without additional payment, to graze such cattle in any unoccupied Government waste lands in the District.

Trees.

[Section 44.]

76. The produce of trees belonging to Government shall be sold annually by auction under the orders of the Deputy Commissioner.

77. Trees, brushwood, jungle and other natural products shall be disposed of from time to time under the orders of the Deputy Commissioner by public auction.

Explanation.—The foregoing rules do not apply to land to which the Berar Forest Law or the rules framed thereunder relate.

78. There has been diversity of practice in respect of the protection and sale proceeds of trees situate—

- (i) alongside district and village roads ;
- (ii) in Government lands, other than forests, which are assigned for special purposes, such as village sites, *gaothan* and *khalwadi* ;
- (iii) in Government unoccupied lands, other than forests, which are not assigned for special purposes *e. g.*, *nadi nala*.

The general rule is that in all the three instances mentioned above the trees should be looked after under the orders of the Deputy Commissioner, and their sale proceeds should be credited as “fluctuating” land revenue receipts.

79. The position of District Boards in respect of all the trees referred to above is regulated by the Rural Boards Law, especially clause (h) of sub-section 1 of Section 22. Any claim put forward by a District Board in connection with such trees should be examined accordingly, and should not be allowed without the Commissioner's sanction. The question of fact to be considered is what “roads and other grounds” are to be regarded as “under the control and administration of the District Board.”

ALLUVION AND DILUVION.

[Sections 51 and 216 (1) (k).]

80. Claims to decrease of assessment on account of diluvion, under Section 51 of the Land Revenue Code, shall be heard and disposed of by the Deputy Commissioner.

81. In order to provide against undue loss of revenue, care must be taken, whenever such claims are allowed, to trace out and assess, if necessary, the corresponding accretions of alluvial land, if any, in the same or in some other village.

82. When a holding is bounded on any side by the bank of a river, stream or *nala*, the holder will be permitted, subject in the case of unalienated holdings, to such orders as may be legally passed under Rule 84, to occupy the land up to such bank, notwithstanding that its position may shift from time to time.

83. It shall be the duty of village officers, under the orders of the Tahsildar and of the Deputy Commissioner, to ascertain and record from time to time changes caused by alluvion and diluvion in every holding liable to such changes.

84. Village officers shall report to the Tahsildar when the area of any newly formed alluvial land or island or of any abandoned river bed to which the provisions of Section 50 or 62 of the Code apply, exceeds the limits prescribed in those sections.

The Tahsildar will have such area measured, and if found to exceed the prescribed limit, it shall be assessed with land-revenue by the Deputy Commissioner at the rates placed on similar soil in the same or neighbouring villages.

85. Newly formed alluvial lands and islands and abandoned river beds to which the provisions of Sections 50 and 62 of the Code do not apply, may be disposed of by the Deputy Commissioner under the rules and orders applicable to unoccupied land belonging to Government.

PURPOSES TO WHICH THE APPROPRIATION OF UNALIENATED LAND IS PROHIBITED.

[Sections 52 (3) and 216 (1) (c).]

86. Land included as unculturable (*pot kharab*) in a survey number assessed for purposes of agriculture only may ordinarily be brought under cultivation without extra charge by the occupant or by any one claiming under him, but such cultivation is prohibited in the following cases, *viz*:—

- (a) when the land is occupied by a road or a tank used for irrigation or for drinking or domestic purposes;
- (b) when the land is used as a burial ground;
- (c) when the land has been assigned for the use of the village-potters or for other public purposes;

Provided that this prohibition shall not apply in the case of a tank when such tank is used for irrigation only, and waters only land which is in the sole occupation of the occupant of the land to be cultivated, or when the privilege of cultivating the dry bed of the tank has been specially conceded to the occupant.

87. Compounds to bungalows and patches of open ground surrounding houses, not assessed for purposes of agriculture, shall not, if the Deputy Commissioner on sanitary grounds so directs, be appropriated to purposes of agriculture, but the grass shall be kept cut or grazed by cattle.

88. No unalienated or unoccupied land or land that has not been assigned under the rules within the site of any town or village or within any area set apart for any special purpose shall be excavated without the previous permission in writing of the Deputy Commissioner. If permission is granted by the Deputy Commissioner to excavate any such land, the excavation shall not be made otherwise than in accordance with the terms which the Deputy Commissioner may in each case prescribe.

89. No occupant of any land shall allow it to become overgrown with prickly-pear or rank grass so as to be dangerous to the health or safety of the neighbourhood.

90. If in any unalienated occupied land such danger to the health or safety of the neighbourhood exists, the Deputy Commissioner may, by serving a notice, direct the occupant to remove the prickly-pear or rank grass, as the case may be, within a fixed period.

91. No occupant of land assessed or held for purposes of agriculture only, and no person claiming under such occupant, shall make any use of the land which in the opinion of the Deputy Commissioner will destroy or materially injure the land for cultivation. Subject to the provisions of this rule, the occupant or any other person lawfully in possession of any such land may remove earth, stone, kankar, sand, muram or any other material for his own *bona fide* domestic or agricultural purposes without permission and without payment of any fee, and he may also, subject to the Tahsildar's permission, allow potters and brick and tile makers to remove earth, &c, for the purposes of their trade from any *pot kharab* or unassessed portions of his land.

DISPOSAL OF FORFEITED HOLDINGS.

[Sections 56 and 216 (1) (d).]

92. Whenever it appears to the Deputy Commissioner that an arrear of land-revenue cannot be readily recovered by any of the means provided in Chapter XI of the Land Revenue Code other than the forfeiture of the holding in respect of which the arrear is due, he shall declare the holding to be forfeited to Government. But care should be taken that such declaration is not made except in cases of necessity.

93. If the land in respect of which the arrear is due consists of two or more survey numbers, or of two or more recognized divisions of a survey number, and the Deputy Commissioner is of opinion that the whole amount of the arrear can be realized by the sale of one or more only of such numbers, or recognized divisions of such numbers, he may restrict the forfeiture to one or more of the said numbers or divisions,

94. The Deputy Commissioner shall treat the land comprised in any alienated holding forfeited under Section 56 of the Land Revenue Code as unoccupied unalienated land, and may dispose of it forthwith, or at any subsequent time, in accordance with the rules and orders in force relating to the disposal of unoccupied unalienated land. If the forfeited alienated holding is held for service on payment of quit-rent, and the Deputy Commissioner is satisfied that the default occurred solely owing to the inability of the holder to meet the demand, he may, with the previous sanction of the Chief Commissioner, suspend or remit the arrears, and deal with the land as the Chief Commissioner may direct.

95. If a defaulter desires that his forfeited occupancy be put up for sale on the ground—

- (a) that he obtained it on payment of consideration to Government or to the previous occupant; or
- (b) that the land comprised in the occupancy has been improved since the occupancy was last granted by Government;

the Deputy Commissioner shall enquire into the circumstances and, if the defaulter's request appears to him reasonable shall put up the occupancy for sale :

Provided that the Deputy Commissioner shall not be bound to confirm the sale of any such occupancy if he has reason to believe that the bidding thereat has not been genuine, or that there has been collusion to recover the occupancy without payment in full of the arrears and charges due to the Government, or that there has been some material irregularity in publishing or conducting the sale which is likely to have affected the amount of the highest bid, or otherwise to have caused injury to the Government or any person.

96. If a forfeited occupancy which falls under the last preceding rule is a recognised share of a survey number, it shall first be offered by the Deputy Commissioner at such price as seems to him reasonable to the occupants of the other recognised shares in the survey number in the manner prescribed in Section 212 of the Code. If none of them buys the occupancy, the Deputy Commissioner shall deal with it under the last preceding rule.

97. In cases not falling under the preceding rules forfeited occupancies shall be put up for sale for the recovery of the arrears due, except when the Deputy Commissioner thinks :—

- (a) that owing to the badness of the seasons, or to the absence of demand for land of the description comprised in the occupancy, or to a combination of the neighbouring land-holders, or for any other special cause, there will be no bidders at the sale, or that the highest amount bid will be considerably below the upset price of the occupancy ; or
- (b) that the land comprised in the occupancy is likely to be required, either immediately or within a reasonable time, for any of the purposes mentioned in Section 39 of the Code.

98. Every sale of a forfeited occupancy shall be carried out in accordance with the orders made under clause (e) of Section 216 of the Code relative to the sale of unalienated land.

99. If for any reason a forfeited occupancy is not sold, the Deputy Commissioner shall either cause the land comprised therein to be entered in the records as unoccupied, and to be dealt with under the rules and orders in force relating to such land, or take steps to have it assigned for some of the purposes mentioned in Section 39 of the Code.

100. It shall be in the discretion of the Deputy Commissioner to restore to the defaulter any forfeited occupancy at any time before its sale is confirmed, on payment of the arrear in respect of which the forfeiture was incurred, together with all costs and charges due by the defaulter, or on satisfactory security being given for the payment of the arrear, cost and charges within a reasonable period.

101. A forfeited alienated holding shall not be restored to the holder without the previous orders of the Chief Commissioner.

102. When a holding which has been forfeited for default in payment of the land-revenue due thereupon is not sold, the arrear payable by the defaulter shall ordinarily be remitted without having recourse to further compulsory process against him :

Provided that the right of recovering arrears from a defaulter by other means, notwithstanding that his holding has been forfeited and disposed of without being sold, shall not be deemed to be altogether relinquished, and in special cases the Deputy Commissioner may, with the sanction of the Commissioner, enforce that right.

GRANT OF OCCUPANCIES OF FIELDS.

[Sections 58, 60 and 216 (1) (e).]

103. The occupancy right of any unalienated assessed land in Berar shall be disposed of subject to the following condition, *viz.*, neither the occupant, his heirs, executors, administrators and approved assigns shall at any time lease, mortgage, sell or otherwise howsoever encumber the said occupancy or any portion thereof without the previous sanction in writing of the Deputy Commissioner : provided that the Deputy Commissioner shall not give such permission without obtaining the previous sanction of the Commissioner except where the transferee or alienee is a *bona fide* agriculturist or a member of the other party's family.

104. Every application for the occupancy of unalienated assessed land shall be made in writing to the patel of the village in which the land is situate. The patel shall forward the application to the Tahsildar, and shall report in the form prescribed in Appendix IX the number and description of trees growing on the land. He shall also report whether there is, or is likely to be, any competition for the land, and whether there is any reason why the application should not be granted :

Provided that the Tahsildar shall receive any such application tendered to him and forward it to the patel for report in accordance with the foregoing instructions.

105. On receipt of the patel's report, the Tahsildar, after satisfying himself that there is no objection to the land being given out for cultivation, will cause a notice of the application to be affixed in the chowri or other public place of the village in which the land is situate, and similar notices to be affixed in the neighbouring villages within a radius of 5 miles. The Tahsildar will also cause the contents of the notice to be proclaimed by beat

of drum at the same time in the aforesaid villages. Intimation will be given in such notice and proclamation that persons wishing to take up the land should apply in writing to the patel of the village to which the land belongs within 15 days of the date of publication of the notice. The patel will forward without delay any application received with a report as to whether the applicant is a resident or landholder of the village.

106. The Tahsildar will meanwhile forward to the District Forest Officer the list in form Appendix IX, received from the patel. The patel's enumeration of trees will be checked, and the trees will be classified, under the orders of the District Forest Officer. He shall also fix the value of the trees according to the standard scale prepared for the Taluk in the manner prescribed in Appendix X. He shall then return the patel's list to the Tahsildar, and shall add his own opinion as to whether the upset price fixed for the trees should be in accordance with the standard scale or at any lower rate. The Tahsildar shall act in accordance with the District Forest Officer's opinion, and shall note that he has done so.

107. The Tahsildar, if there is no competition for the field, shall then pass an order in writing granting the application subject to payment within 15 days of the price, if any, fixed for the trees. The Tahsildar shall forthwith report every such order to the Deputy Commissioner.

108. If among the applicants there is only one resident or land-holder of the village in which the land is situated, the Tahsildar will grant his application in accordance with Rule 107 and reject the rest of the applications.

109. In cases other than those specified in Rules 107 and 108, the field shall be sold by auction in accordance with the provisions of the next following rules, to the person who bids the highest sum, or if there are trees on the land, the highest sum in excess of an upset price fixed by the Tahsildar, which shall be a sum not less than the aggregate value of all the trees determined as provided in Rule 106.

110. Auctions shall ordinarily be held twice a year, namely, during the months of February and October, and with the sanction of the Deputy Commissioner, they may also be held at other times. Every sale by auction under these rules shall be held at midday by the Tahsildar or Naib Tahsildar, or by some other person appointed by the Tahsildar with the special permission of the Deputy Commissioner, at a place to be fixed by the Tahsildar. A notice of the intended sale shall be affixed at the tahsil and at the chowri of the village in which the field is situate not less than 15 days before the date fixed for the sale. And for three consecutive days before it takes place the patel of the village in which the sale is to be held shall also proclaim the approach of the sale by beat of drum or by such other method as may be customary. The notice shall be in the form, and shall contain the particulars specified in Appendix XI, and shall be read out by the person conducting the sale before the sale commences.

111. Before the sale begins, the person conducting it shall announce that every purchaser shall be bound by his bid if it is ultimately accepted.

112. On the 16th day after the sale, or as soon as may be thereafter, the sale shall be confirmed.

113. Every sale shall be confirmed by the Deputy Commissioner, or by the Sub-Divisional Officer if there is one, and no such sale shall be valid until it has been so confirmed; provided that no sale shall be confirmed at which the maximum price bid is less than the upset price fixed under Rule 107. And the confirming officer shall satisfy himself that there has been no substantial irregularity in the sale.

114. All trees included in the upset price by the Tahsildar for any field shall, after they have been paid for as required by these rules, become the exclusive property of the purchaser.

115. The Deputy Commissioner may permit payment for the trees which have been valued to be made by instalments. If he does so, no such trees shall be cut until the instalments have been paid, except with the previous sanction of the Tahsildar. That sanction shall not be given until the value of at least the particular trees which it is proposed to cut has been deposited in cash at the Tahsil.

Explanation.—This rule does not apply to other trees, which may be cut at once, unless specially excluded under Rule 117.

116. Notwithstanding anything contained in the foregoing rules, if the Deputy Commissioner is satisfied that any *bona fide* applicant who is a resident or land-holder of the village in which the field applied for is situated, is unable to pay the value of the trees, either in lump or in instalments, the Deputy Commissioner may order that the trees be sold separately by auction at an upset price not below the valuation by the Forest Department, on condition that they are cut and removed within a definite period. After such trees are removed the field may be disposed of in accordance with the foregoing rules.

117. The Deputy Commissioner may, in any case, exclude from sale any trees growing on the sides of any public road within the limits of the land sold, and may allow the purchaser of the land to have the usufruct of those trees upon such conditions as he thinks fit. All such trees shall be excluded from the price fixed by the Tahsildar, and the occupant shall not cut any of them without the sanction of the Deputy Commissioner. (*Vide* Appendix XII.)

118. Patels and patwaris shall attest by their signature all lists prepared by them under these rules.

119. An agreement in form Appendix XIII shall be taken from the person who is to become the registered occupant, and every such agreement shall be endorsed by two respectable witnesses and by the Patel and patwari of the village in which the land to which it relates is situate, to the effect prescribed below the said form. The Tahsildar who takes the said agreement will be held responsible for exercising due

care in ascertaining the identity of the persons signing the same, and their fitness to be accepted as occupants responsible for the payment of land-revenue, notwithstanding that the agreements have been duly endorsed as hereinbefore required.

120. It will be the duty of every village patwari, if so desired by any person about to become an occupant of land in his village, to prepare an agreement under Rule 119 without fee or charge of any kind. A patwari who prepares such an agreement will affix his signature beneath the words "written by" on the lower left hand corner of the agreement.

121. The permission in writing to be given by a Tahsildar under Section 58 of the Code, to enable an intending occupant to enter upon occupation, will be in form Appendix XIV.

No such permission will be given until an agreement has been duly executed under Section 58.

122. If there is demand for any unoccupied unalienated land available for cultivation which is unassessed, the Deputy Commissioner (after reference to the Survey Department, if survey operations are in progress in the District) will assess it at the rates placed on similar soils in the same or neighbouring villages. The assessment so fixed will hold good during the remaining period of the current settlement, and will be liable thereafter to revision at every general survey settlement of the village.

APPROPRIATION OF LANDS TO PURPOSES OTHER THAN AGRICULTURE.

[Sections 52 (2), 59 (b), 63, 64 and 216 (f) and (k).]

123. For the purposes of determining the amounts of fines, premia and the new assessment leviable under Sections 59, 63 and 64 of the Berar Land Revenue Code, Deputy Commissioners shall divide the villages and towns in their respective districts into five classes.

Lists shall be prepared for each Taluk specifying by name the villages and towns placed in each of the first four classes; the fifth class shall comprise "all other villages in the Taluk" not entered in the first four classes which need not be specified by name. Such lists, after approval by the Commissioner, shall be published by notification in the *Central Provinces Gazette*. The Commissioner may by similar notifications from time to time alter the said classification.

124. In villages and towns included in the five classes by the said notifications, the premia, penalties and assessments leviable shall be according to the following scale :—

A.—Penalties for unauthorised appropriation to any non-agricultural purposes of unalienated unoccupied land or any land set apart for any special purpose.—Section 59 (1).

If the land belongs to a village or town falling under—

Class I, a fine not exceeding Rs. 2,500 per acre	} of the land actually appropriated to any purpose unconnected with agriculture, and at the same rate in proportion for fractions of an acre.
Class II, a fine not exceeding Rs. 1,500 per acre	
Class III, a fine not exceeding Rs. 1,000 per acre	
Class IV, a fine not exceeding Rs. 500 per acre	
Class V, a fine not exceeding Rs. 100 per acre	

B. Premium leviable under Section 63 (3) of the Code.—When any unalienated land assessed or held for purposes of agriculture only is appropriated *with* permission to any purpose unconnected with agriculture by the occupant of the land:—

If the village or town in which the land is situate falls under—

Class I, Rs. 250 per acre	} of the land actually appropriated to any purpose unconnected with agriculture, and at the same rate in proportion for fractions of an acre.
Class II, Rs. 150 per acre	
Class III, Rs. 100 per acre	
Class IV, Rs. 50 per acre	

In villages and towns included in Class V no premium shall ordinarily be levied.

C. Penalty leviable under Section 64 of the Code.—When any unalienated land assessed or held for purposes of agriculture only is appropriated *without* permission to any purpose unconnected with agriculture:—

If the village or town in which the land is situate falls under—

Class I, not exceeding Rs. 1,250 per acre	} of the land actually appropriated to any purpose unconnected with agriculture, and at the same rate in proportion for fractions of an acre.
Class II, not exceeding Rs. 750 per acre	
Class III, not exceeding Rs. 500 per acre	
Class IV, not exceeding Rs. 250 per acre	
Class V, not exceeding Rs. 50 per acre	

D. When unalienated land assessed or held for purposes of agriculture only is subsequently appropriated, *with* permission, to any purpose unconnected with agriculture, the assessment upon the land actually so

appropriated shall be altered in accordance with the provisions of paragraph 2 of Section 52 of the Land Revenue Code and fixed at the following rates:—

If the village or town in which the land is situate falls under—

Class I, Rs. 20 per acre or 10 times	} the assessment for agricultural purposes, whichever be the greater.
Class II, Rs. 10 per acre or 5 times	
Class III, Rs. 5 per acre or 3 times	
Class IV, Rs. 3 per acre or double	

If the village or town in which the land is situated is classed in Class V, no alteration in assessment shall ordinarily be made.

E. When unalienated land assessed or held for purposes of agriculture only is subsequently appropriated, *without* permission, to any purpose unconnected with agriculture, the assessment upon the land actually so appropriated shall be altered in accordance with the provisions of paragraph 2 of Section 52 of the Land Revenue Code and fixed at the following rates for the period during which the land was so appropriated without permission:—

For Classes I, II, III and IV, double the amount of the assessment specified in paragraph D preceding. For Class V Rs. 2 per acre or 3 times the assessment, whichever be the greater.

125. For the purposes of these rules fractions of a year shall be treated as a full year.

126. Notwithstanding anything contained in the foregoing rules—

- (a) with the sanction of the Chief Commissioner, in or near towns or in the neighbourhood of railway stations or in other localities where special facilities for building are considered advisable, the premium under Section 63 may be abandoned and a special assessment under Section 52 may be levied at rates which may be determined beforehand according to areas, and published for general information,
- (b) the Deputy Commissioner may, in any special case, require the payment of a fine or premium leviable under Sections 59, 63 and 64 of the Code not exceeding the rates prescribed in the foregoing rules for Class I in any village or town in any of the other classes.

127. In granting permission to open brick-fields, quarries, and the like, sanitary considerations must not be overlooked; excavations close to villages are not to be allowed.

128. All orders regarding appropriation of occupied and unoccupied lands to purposes other than agriculture will be communicated to the village officers, and where permission to appropriate land is granted the village officers must see that such permission is not exceeded.

129. In every Tahsil a register will be maintained in such form as may be prescribed by the Commissioner for all appropriation of lands sanctioned under the foregoing rules.

RELINQUISHMENT AND TRANSFER OF OCCUPANCIES.

[Sections 69, 72 and 73 and Section 216 (k).]

130. The written notice of relinquishment to be given by a registered occupant to the Tahsildar under Section 69 of the Land Revenue Code will be in one or other of the forms in Appendix XV.

131. The written agreement to be entered into by the person in whose favour a registered occupancy is relinquished will be in form Appendix XVI.

The written agreement to be entered into by the person in whose favour a registered occupancy is relinquished with the sanction of the Deputy Commissioner, as required by Rule 119, will be in form Appendix XIII.

132. Every notice and every agreement given under the last two rules will be endorsed by two respectable witnesses to the effect prescribed below each of the said forms, and the Tahsildar who receives any such notice or agreement will be held responsible for exercising due care in ascertaining the identity of the person who has signed the same, notwithstanding that such notice or agreement has been duly endorsed as hereinbefore required.

133. Such notices or agreements will be presented to the patel of the village in which the land is situate, and the village officials will without delay forward them to the Tahsildar.

134. It will be the duty of every village patwari, if so desired by any occupant in his village or by any person in whose favour land is about to be relinquished by any occupant in his village, to prepare any notice or any agreement that may be necessary under Rule 120 or Rule 131, without fee or charge of any kind.

A village patwari who prepares any such notice or agreement will affix his signature to the document as the writer thereof at the proper place.

NOTICE BY LANDLORD TO TENANT FOR ENHANCEMENT OF RENT.

[Section 78 (8).]

135. The notice of enhancement required by Section 78 (8) of the Land Revenue Code shall be in the form given in Appendix XVII.

136. Applications for service of notice of enhancement of rent will be made to the Tahsildar of the Taluk within which the land is situated. Such applications are exempted from Court fees stamp duty, but a process fee of 8 annas (Court fee stamp), to be paid by the landlord, will be charged for the service of each such notice.

GRANT OF RECEIPT BY LANDHOLDERS FOR PAYMENT MADE.

[Section 82 (1).]

137. The written receipt required to be given by a landlord receiving payment on account of revenue or rent from an inferior holder or tenant under Section 82 shall specify the following particulars :—

- (1) name of payer ;
- (2) survey number with area and survey assessment, or if the land is only a portion of a survey number, its area and boundaries ;
- (3) amount of rent or revenue in money or in kind fixed per annum ;
- (4) amount and kind of cesses, if any, fixed with rates ;
- (5) amount of rent or revenue in money or in kind and amount of cesses received by the landlord, and for what period ;
- (6) balance, if any, due to landlord ;
- (7) date of receipt of amount ;
- (8) date of execution of receipt.

GENERAL INSTRUCTIONS REGARDING REVENUE SURVEY.

[Sections 83 and 216 (k).]

138. The survey settlement has been extended to all Taluks in Berar except the Melghat Taluk, but the following general principles are laid down for guidance in the event of the survey settlement being extended to alienated villages which may be resumed, or to areas which are now forest but which may hereafter be made available for cultivation.

139. All measurements shall be recorded in a book to be kept in such form as shall be prescribed by the Commissioner of Settlements and Director of Land Records. The said books when prepared shall be preserved as a record of the survey.

140. The original measurements made by the subordinate survey officers employed for the purpose shall be tested by the officers in charge of measuring establishment in such manner and to such extent as the Commissioner of Settlements and Director of Land Records shall deem sufficient.

141. Village maps shall be prepared under the orders of the Commissioner of Settlements and Director of Land Records showing each survey number. The position of the boundary mark of each survey number shall also be shown on the said map.

142. For the purposes of assessment all land shall be classed with respect to its productive qualities. The number of classes and their relative value reckoned in annas shall be fixed under the orders of the Commissioner of Settlements and Director of Land Records with reference to circumstances of the different tracts of country to which the survey extends and to the nature of the cultivation.

143. Every classer shall keep a field book and record therein the particulars of his classification of each survey number and recognized sub-division of a survey number and the reason which led him to place it in the particular class to which, in his estimation, it should be deemed to belong. Such field books shall be preserved as permanent records of the survey.

144. A test of the original classification made by the subordinate officers employed for this purpose shall be taken by the officers in charge of classing establishment, in such manner and to such extent as may be directed by the Commissioner of Settlements and Director of Land Records. The test shall be an independent test, that is to say, it shall be made by the testing officer in entire ignorance of the original classer's proceedings or records until it has been completed and its results have been finally determined, when only the original classing valuation and the test valuation shall be compared and their separate results recorded.

145. When rates of assessment have been sanctioned by the Government of India, the assessment to be imposed on each survey number or recognized sub-division of a survey number shall be determined according to the relative classification value of the land comprised therein.

146. Matters of detail not provided for in the foregoing Survey Rules shall be determined in accordance with such general or special orders as the Commissioner of Settlements and Director of Land Records acting under the general control of the Chief Commissioner shall from time to time deem fit to issue.

147. The Deputy Commissioner or other officer appointed by him for the purpose, when announcing the assessment or revised assessment, as required by Section 91 of the Land Revenue Code, shall explain to the occupants that "if any improvement has been effected in any land during the currency of the settlement by, or at the cost of, the holder thereof, the increase in the value of such land or in the profit of cultivating the same due to the said improvement will not be taken into account in fixing the revised assessment thereof, at the next settlement," except in cases mentioned in the first proviso to Section 11 of the Land Improvement Loans Act, 1883.

REVISION SURVEY RULES.

[Sections 83 (2) and 216 (k).]

148. The old revenue survey numbers are to be retained as they now stand ; they are not to be broken up or sub-divided according to occupancy of tenants.

Exception—Where land has been taken up for public purposes since the original survey, it must be separately measured, deducted from the old survey number, and made into a number by itself; this is the only case in which new survey numbers will be formed.

149. All old survey numbers having a *nala* or river as a boundary on more than one side of them must be entirely re-measured.

150. The boundary of all old numbers, where formed by a *nala* or river, must be re-measured, but:—

- (a) if the old boundary marks still exist in more than one point of a *nala* boundary, a base line may be drawn between these points, and the *nala* boundary fixed by off sets;
- (b) the rocky or *barad* land *nala* boundaries need not be re-measured unless some change is apparent.

Rules for forming new survey numbers where land has been set apart for public purposes or taken up by Government and shown as such in the village papers.

151. (1) Land taken up for standing cattle, threshing floors, purposes of nature, burial grounds, and places whence potters take clay, must be measured into separate survey numbers in accordance with the entries in the village papers. If an old survey number contains more than one of the above descriptions of land, then each kind of land must be separately measured and numbered.

- (2) If a plot of land forming portions of two or more adjoining survey numbers should have been reserved for a public purpose, it may be measured into one new survey number.

152. All survey numbers in which the boundaries of actual cultivation differ greatly from those shown in the old books must be re-measured entirely. In all cases where stones or mounds are standing in the field, measurements should invariably be made in accordance with them; but where the “*wahivat bandh*” is undefined by stones or mounds, and is without dispute, measurements should be taken in accordance with the boundary of cultivation in the field. In all cases of dispute, the measurements must be laid down in accordance with the entries in the old records.

153. In the case of an old survey number containing mixed descriptions of cultivation, the rice and garden land only need be re-measured, and the area deducted from the original area. If the dry crop land be the smaller area, the operation should be reversed. All numbers containing rice and garden land must be re-measured in accordance with this rule.

154. It frequently happens that deposits of soil are thrown up by streams. If the land so formed has been assessed and the permanent right of separate occupancy granted to any person by the Deputy Commissioner and so recorded in the village accounts, the land must be made

into a separate number, and the name of the occupant entered. If the right of cultivating the land is put up to annual auction, a remark should be entered to that effect in the measurers' books, but no name is to be entered and the land so sold by auction will be made into a separate new number.

155. If such alluvial land, whether waste or cultivated, adjoins a Government number and is not of the nature provided for by Rule 154 above, it is not to be made into a separate number, but is to be included in the adjoining Government number.

156. When the area of an inam number bounded by a river or stream is found by revision measurement to exceed, owing to alluvial deposit, the recorded area of the inamdar's holding, a new number is to be made of such deposit when the increase exceeds 20 *guntas*, and also exceeds one-tenth of such recorded area, but not unless both these conditions are fulfilled. To any new number thus made, the cultivating inamdar's name is to be entered as occupant of the new number. But if the number is not cultivated, it should be entered as Government waste.

157. At the time of the original survey, land fit for cultivation but unoccupied was sometimes made into large numbers of 75 to 100 acres, and two or three survey numbers were assigned to each large number. Such large numbers must now be sub-divided according to the survey numbers assigned to each. If the whole should be still uncultivated or cultivated by one person only, then numbers of fairly equal size should be made. If cultivated by two or more persons, then the new numbers should be made according to the boundaries of occupation, provided that no number of less than the minimum size, 6 acres, is formed. Cultivators of such lands must erect all the boundary marks now found necessary; should the land be unoccupied the boundary marks must be put up at Government expense.

158. All numbers made since the original survey and measured by taluka classers or others must now be re-measured.

Pardi numbers within the village sites.

159. Cultivation within the village site being, in the absence of special sanction, prohibited, the formation of cultivated portions of the site into new *pardi* numbers is not as a rule to be undertaken. Every case of such cultivation shall be brought to the notice of the officer in charge of the survey in order that enquiry into the circumstances may be made.

160. The officer in charge of the survey shall communicate with the Deputy Commissioner of the district, and ascertain whether the cultivation has been authorized or not. If the Deputy Commissioner finds and replies that possession of the cultivated land and permission to cultivate it have been granted or substantially recognized by competent authority, the land shall be excluded from the village site and measured as a new survey number, and assessed in the usual way; provided that the area

of the land in question is not less than a quarter of an acre in the case of dry crop and an eighth of an acre in the case of garden or wet crop cultivation.

In all cases other than those treated as prescribed in this rule the land shall be left as included in the village site.

Rules regarding the measurement of Garden Lands.

161. All survey numbers recorded at the original survey as containing garden lands must now be examined in the field, and dealt with according to the following rules :—

- (1) If the old well is in repair, then the area previously recorded as bagait is to be confirmed, whether now cultivated as bagait or not.
- (2) If the old well should be slightly out of repair, but capable of being repaired at small expense, then the bagait area is to be confirmed as above.
- (3) Should the old well have fallen in, or become altogether useless, then only is the bagait area to be cancelled and recorded as dry-crop land. In this case the measurer must invariably enter a remark in his books stating for what reason the bagait area has been cancelled.

162. All bagait lands under wells that have been sunk since the last settlement must be measured and their area recorded.

Rules regarding the measurement of Rice Lands.

163. All old survey numbers shown as containing rice lands must be examined in the field, and the rice land measured; should the area according to present measurements be equal to or greater than the old recorded area, it should be confirmed.

164. Should the present area of rice land be less than that given in the old records, then the village "periwari patrak" for the last three years should be examined; if it be found that the area under rice has always been less than the old recorded area, then the present area should be confirmed.

165. Should there be now no rice cultivation, but the village papers show that rice has been grown during the last three seasons, then the average area of those seasons should be taken and confirmed.

166. In cases where rice is not now grown and there has been no rice cultivation during the last three years, and it is obvious that a rice crop cannot be reared, the old rice area should be cancelled and included in the dry-crop area of the number.

167. New rice lands should be measured according to the present cultivation in the field.

Rules regarding the measurement of Patasthal Bagait Lands.

168. Rules 163 and 164 for the measurement of rice lands are applicable to patasthal bagait lands.

169. Should there be now no patasthal bagait cultivation, but the village "periwari patrak" shows that a bagait crop has been grown within the last three seasons, and the "pat" is still in good repair, then the average area of those seasons should be taken and confirmed.

170. Where there is now no bagait cultivation and there has been none for the last three years, and the "pat" is out of repair, or water cannot for some reason be now brought to the number, the old patasthal bagait area should be cancelled and included in the dry-crop area of the number.

171. New patasthal bagait lands should be measured according to the present cultivation in the field.

172. Rule 169 above is also applicable to new patasthal bagait lands.

173. Where there has been no new patasthal bagait cultivation for the last three years, the area should be confirmed as dry-crop land, the fact of the "pat" being in good condition or not should not be taken into consideration.

174. In many cases the boundary line of a number is shown by a straight line on the old village map, while according to existing boundary marks there are bends in the side of a field. Measurers are in the habit of ignoring these bends, and making the new boundary line straight in accordance with the old map; by doing this they break Rule 152 above, which requires measurements to be made according to the boundaries shown by mounds and stones now in existence. The measurers must be ordered invariably to measure according to the boundary marks found in the field. The entire number is not to be re-measured unless necessary.

175. The boundaries of inam lands, of Government waste lands, of village sites, of land given for public purposes, and the boundary line of village lands, must not be corrected according to any changes in the line of cultivation; in all these cases the old boundaries must be confirmed.

Rules regarding "Pot Kharab."

176. The same area that has been deducted as "kharab" from a revenue survey number at original survey shall now be deducted from that number.

Exception.—Except when an area specifically recorded in the original survey books as deduction on account of a road, or an irrigation channel, is now found to be no longer so occupied, but to be available for cultivation, then such area shall be included in the arable area of the number at revision survey. Such lands require neither extra labour nor expense to make them fit for cultivation, and the orders of Government do not stand in the way of their being treated as culturable and assessed.

177. Kharab deductions shall be given for any roads, *nalas*, or wells that have come into existence since the original survey.

178. If the villagers are in need of a new road not shown in the village map or in other papers, and not hitherto deducted as kharab, a report to that effect should be taken from the village officers, together with the agreements of the khatedars through whose numbers the road will pass, and forwarded to the Survey Officer for orders.

179. If there be a house permanently built in a survey number occupied for agricultural purposes, the area covered by the house shall be deducted as pot kharab; but if the house belong to the khatedar, or if the householder pay rent to the khatedar, no deduction for pot kharab shall be made.

180. All survey numbers found available for occupation, but unoccupied at the time of revision, are to be exempt from the operation of these pot kharab rules.

Boundary marks.

181. The revision survey parties should inspect all the boundary marks of the field in which they work. The percentage of test to be performed by the Survey Officer in charge will be laid down by the Commissioner of Settlements and Director of Land Records, but should never be less than 10 per cent.

182. At the four corners of each survey number two mounds are required forming an angle (but open at the angular point), pointing in the direction of the field boundaries.

183. When the length of boundary between the corners of a survey number is less than 25 chains, no mound shall be retained in the interval, existing mounds being cancelled; but in case there are bends a stone shall be fixed at each bend of more than four annas.

184. When the line of boundary between the corners of a survey number is more than 25 and within 50 chains in length, one intermediate mound shall be retained, all others being cancelled, and stones fixed at all bends. If the line of boundary be more than 50 chains in length, an intermediate mound shall be retained at about every 20 chains interval and all others cancelled.

185. When the corner of a number happens to fall on a water course where a mound would be liable to be washed away, then one stone should be fixed at the corner and another in the direction of the boundary at a distance of 8 annas ($16\frac{1}{2}$ feet) from it.

186. When a river, large *nala*, or a made road is the boundary of a number, instead of two mounds at each corner on the river, *nala*, or made road, a stone should be fixed at each corner and one mound raised near the stone to show the direction of the line of the boundary which branches off

from it, and as the bank of the river, *nala*, or made road is to be considered the line of boundary, no pot bandh should be raised between the corners on that side.

187. In the former survey, a survey number had some permanent well-defined boundary, such as a hedge, in consequence of which no boundary marks were erected; should the hedge no longer be in existence then boundary marks must be erected according to the above rules.

188. Should a hedge or other well-defined boundary be now found where formerly it did not exist, then it should be shown in the books and on the map; mounds at the corners of the number and stones at bends should be retained, but the intermediate mounds should be cancelled.

189. The following are the dimensions of boundary marks:—

	Length.	Breadth at bottom.	Breadth at top.	Height.
Mounds :	10 ft.	5 ft.	$\frac{2}{3}$ ft.	3 ft.

Stones: From $2\frac{1}{2}$ to 3 feet in length and not less than six inches square; two-thirds of their length must be buried in the ground.

190. Mounds should be cancelled by being cut through to a length and depth of one anna; village officers and rayats should be informed of mounds having been cancelled, and warned that such mounds are not to be repaired.

191. In the former survey in some cases stones were fixed in lieu of mounds; such stones should now be retained. Only under exceptional circumstances should the nature of the old boundary marks be altered.

192. At the time of boundary mark inspection some marks will be missing and others out of repair; a list of all such marks should be prepared in the following form:—

Survey No.	Name of Khatedar.	Missing.		Unrepaired.		Remarks.
		Mounds.	Stones.	Mounds.	Stones.	
1	2	3	4	5	6	7

If an old mound be one anna in height, it should be considered as not requiring repair. Boundary marks once inspected need not be re-inspected; such re-inspection will be done by the revenue authorities, to whom the above forms will be forwarded.

Should any boundary mark be found missing the survey karkun will fix the proper place for it with pegs and stones in the usual way and point out the spot to the village officers.

Should any boundary mark be found incorrectly placed, the survey karkun will mark the correct spot in the same way and point it out to the village officers.

In both these cases the village officers will get the marks correctly put up without delay.

193. If there be no record in the old books of an "Adhar Regh" or base line having been measured, it must now be taken in order to allow of the map being correctly plotted; the record of the "Adhar Regh" should be entered on the last page of the field book. Three hundred and fifty chains should be the minimum accepted as a day's "work" of this description.

194. It is not permitted to measure two numbers on one and the same base line. If it should be necessary on account of high crops to measure on "bandh maps," *i. e.*, taking the boundary of a number as the base line, a special report must be made to the Survey Officer, but on no account must two adjacent numbers be measured on the same "bandh map." The "Samil-wazai" system of measurement, *i. e.*, making one "wasla" or trapezium applicable to two numbers, is not permitted.

Rules regarding the manner in which the revision record is to be kept.

195. A rough sketch of a survey number newly measured on any account should be made in the field book, and the number should be drawn to scale in the pakka book.

196. Measurers when appointed to a village will be provided with new field books and pakka books. All newly-measured survey numbers should be entered in these books. A remark must invariably be entered opposite the survey number in the old field book, stating that the number has been re-measured and will be found on such and such a page of the new field book. A similar remark should be written in the pakka book.

197. "Phod" measurements, *i. e.*, measurements of rice or garden lands in dry-crop numbers, are to be entered in the new field books, and the sketches to scale made in the old pakka books. Area calculations of such measurements should be made in the new pakka books. In all cases remarks of reference to the different books must be written.

198. Correction measurements for bends in the boundaries of numbers, or on account of *nalas* or rivers, should be made in red ink in the old books.

199. In the old field books the survey numbers must now be entered against the old "chalta" numbers, and an index prepared.

200. Should it be found that any alterations made in the old books are incorrect, they should now be corrected.

201. In returning the village papers on completion of his work, the measurer must prepare and submit a statement in the following form :—

Serial No.	Name of village.	Total survey numbers.	Particulars of work done.				Remarks.
			Numbers measured.	Phod measurement numbers.	Numbers in which corrections were made.	Bandh-pahani numbers.	

Rules regarding Paiki numbers.

202. All paiki numbers at present recognised and entered in the village papers are to be confirmed, but no new paiki numbers are to be made.

203. Where the boundaries of paiki numbers are not shown in the old books, they should now be roughly sketched in the old field book in dotted red ink lines, and a pot number should be assigned to each paiki number; the names of the holders of paiki numbers should be written in order in both the old field book and pakka book, and an entry of the area of each paiki number should be made in both books.

204. In a survey number containing paiki numbers where corrections on any account are necessary, such corrections will be made in the books and map in accordance with the measurements taken in the field. But at the time of measurement it must be ascertained which paiki number or numbers are affected by the change. The boundaries of the paiki numbers should be observed in the field, and measurements taken in such a manner that corrections in area may be made separately for each paiki number. The old entries of area of paiki numbers must then be corrected accordingly in all the books.

205. Should a survey number in which there are paiki numbers contain garden or rice land, then the phod must be measured separately for each paiki number.

206. It is possible that errors in the old measurement or in the old area calculation may be discovered and corrected in a survey number containing paiki numbers. In order to correct the areas of the paiki numbers it will be necessary to measure them separately in the field. Should the survey number contain only two paiki numbers, then one only need be measured; its area should be deducted from that of the survey number to give the area of the remaining paiki number. A similar process should be followed where there are more than two paiki numbers in a survey number, the last paiki number not requiring measurement.

207. If there be any increase or decrease in the kharab of a survey number, it will be made in the area of that number; but to which paiki number or numbers the increase or decrease is applicable should be ascertained in the field and corrections made accordingly.

208. Corrections under the above rules can be carried out where the boundaries of paiki numbers are distinct in the field, but in cases of disputed boundaries, or where the owners of paiki numbers do not hold separately but divide the crop, the corrections must be apportioned to each paiki number by rule of three according to the respective areas of the paiki numbers.

NOTE.—Before commencing survey operations in any Taluk, it should be ascertained whether the old books containing the measurement of paiki numbers are available; if forthcoming, the corrections for paiki numbers should be made in those books, and it will then be unnecessary to make them in the survey field books.

Maps.

209. No alteration in the order of the old numbers on the maps should be made; newly made survey numbers should be numbered in succession to the last old number, and, in order that they may be readily found, a statement in the following form must be made on the map :—

Survey number.	Situation of the new numbers.
75	Old number confirmed.
76	To the east of survey No. 16.
77	In the middle of survey No. 66.



Should it be found absolutely necessary to alter the old numbering, owing to the reservation of a group of survey numbers for forest purposes or for the formation of a tank, then the case should be reported for orders.

210. All corrections on maps, either in boundaries of a survey number or in boundary marks, should be made in red ink. No erasure is permitted.

211. The boundary lines of adjoining villages must be examined according to each bend whilst the measurers are working in the villages, so that corrections, if necessary, may be made at once if the maps should not

correspond. In a similar manner the names of the adjoining villages and the directions of roads should be compared and corrected if necessary. Measurers must enter and sign a remark on the map, stating that the boundary comparison has been made.

212. The "Adhar Regh" or base line must be shown by a red ink line on the map.

213. Forest demarcation marks should be entered in red ink on the map thus . Trigonometrical stations, the preservation of which has been ordered by the Government of India, must be shown by a red ink triangle  on the map, and village officers should be warned to protect them from injury.

214. A duplicate copy of the village map, showing all corrections in red ink, should be prepared whilst the measurer is in the village, and on completion handed over to the village patwari.

Rules for revision classification.

215. Unless orders to the contrary are issued, and except under cases dealt with in the following rules, the old classification of lands is to be confirmed.

216. All survey numbers formerly unassessed, either on account of their not having been classed or by reason of the large proportion of kharab, must now be classed.

217. Parampok numbers and lands set apart for public purposes are exempted from the operation of the above rule.

218. All newly formed survey numbers in the beds of rivers, or within unassessed numbers or in the village site, must now be classed.

219. The old classification of the soil of old patasthal bagait lands should be confirmed, but a re-classification of the water-supply must now be made. Classification of both soil and water-supply of new patasthal bagait lands must be carried out.

220. Where patasthal bagait has replaced either rice cultivation, the lands must now be considered dealt with accordingly.

221. The old soil classification of land which has now become patasthal, should be valued according to the present supply. It should not exceed that of the former motasthal bagait, and classification of the entire patasthal bagait lands.

222. If in carrying out the soil classification lands a narrow strip of dry-crop land of less than

be left between the boundaries of the survey number and the patasthal bagait, then it should be re-classed; this will be necessary for the correction of the bhag annas of the dry-crop land.

223. Classification of motasthal bagait land is not to be undertaken. Should separate bhag annas for the motasthal area be required, they can be worked out from the old classification record.

224. Cases of increase or decrease in the area of numbers situated on river banks should be dealt with as follows:—The area of the old classer's share in the number should be ascertained from the old books; should the increase be greater than one share, then the classification of the increased area should be made and entered in red ink in the old book, the bhag anna of the number being re-calculated. Should there be a decrease of more than one share, the portion lost by diluvion should be excluded and the calculation of the bhag annas re-done. When the increase or decrease is less than one share, no alteration need be made in the old books.

N. B.—A "share" is one of the divisions into which the number was apportioned by the old classer for the convenience of soil classification.

225. New rice land must be classed both for soil and water-supply. The area and classification of the new rice land, which will formerly have been classed as dry-crop land, must be excluded, and the bhag annas of the remaining dry-crop land re-calculated. Where the area of the new rice land is less than a quarter of a share, no corrections in the bhag annas need be made.

226. Generally the rice cultivation of this province differs from that of the Konkan, in that as a rule embankments are not thrown up; great care is therefore necessary in valuing the water-supply. Whether the land is double cropped or not should be ascertained and taken into consideration.

227. The soil classification of old rice lands should be confirmed where the present area falls within 25 per cent. of the old area. Should the present area differ by more than 25 per cent. from the old area, then the soil classification must be re-done. In all cases the valuation of the water-supply must be done anew.

228. The areas of old and new rice lands, with their respective bhag annas and water classification, must be separately shown in the classification books.

229. Corrections of the old classification should, if possible, be entered on the blank pages of the old books; should there be no vacant pages in the old books, a new book must be used. In all cases references to the pages on which the corrections are to be found must be written.

230. Corrections for new rice or new patasthal bagait land should be made in the old classification sketch of the survey number.

231. All tracts of land in the neighbourhood of large rivers that are liable to deterioration from excessive floods must be re-classed.

232. The classer should examine all the old classification books to ascertain whether any "chad" was for any reason applied to any survey number ; all such cases should be reported for orders.

NOTE.—All cases of every description not dealt with in the above rules must be reported to the officer in charge of the party for orders.

MINIMA FOR FIELDS.

[Section 87 (1).]

233. The following minima for different classes of land are prescribed, below which area (1) survey numbers comprising land used for agricultural purposes shall not be formed in future, and (2) survey numbers shall not be divided in execution of the decrees of the Civil Courts.

In the taluks of the Buldana, Akola and Yeotmal Districts, situated above the ghats :—

Dry crop land in not less than lots of 6 acres.

Rice land „ „ „ 2 acres.

Garden land „ „ „ 1 acre.

In all other taluks (exclusive of the Melghat, to which the survey has not been extended):—

Dry crop land in not less than lots of 5 acres.

Rice land „ „ „ 1 acre.

Garden land „ „

INSPECTION, MAINTENANCE AND REPAIR OF BOUNDARY MARKS.

[Section 101 (2).]

234. It is a primary duty of the Deputy Commissioner to maintain the field boundary marks erected at the survey, and to see that they are preserved with the greatest care and repaired when necessary.

235. The Forest Department will be responsible for the maintenance of survey field boundary marks where they form the outer boundary of a State Forest, while such marks separate the State Forest from occupied or Government waste land.

236. Jagirdars, Talukdars and headwardars of villages granted under the Waste Land Rules of 1902 or of 1876 are not bound to repair the internal boundary marks of their villages, but repairs of such marks should advise these officers to keep such boundary marks in repair. Any case in which there is special reason for the maintenance by Government of such marks should be dealt with on its own merits. For instance, in a jagir which is granted in perpetuity it may not be worth while to trouble about the marks. In another,

which is for life only, or in which there is a quit-rent which varies with cultivation, it may be most essential to keep them up, and in such cases the repairs shall be executed by the Deputy Commissioner with the previous sanction of the Commissioner.

Izardars holding leases under the Waste Land Rules of 1879 and 1880 are bound to keep the internal boundary marks of their villages in repairs, and Deputy Commissioners should enforce this condition of their leases, proceeding against defaulters as if they were the occupants of khalsa lands.

237. The boundary-marks of unoccupied lands must be repaired, where necessary, by hired labour through the Circle Inspector under the orders of the Tahsildar :

Provided that the boundary marks of free grazing lands and other lands set apart for public purposes will be repaired every year by the watandar mahars of each village.

238. Early in October the Tahsildar will issue, under Section 101, sub-section (3) of the Land Revenue Code, a general notice at each village calling on all occupants and other interested persons to repair their boundary marks by the end of October, warning them that if after that date any boundary marks are found in a state of disrepair, such boundary marks will be liable to be repaired by hired labour and the cost recovered from the defaulters as an arrear of land-revenue.

239. Between the 1st November and 15th December in each year the patel and patwari will together inspect every boundary mark in each survey number of the village, and the patwari will record in village Form No. 18 the condition in which the boundary marks are found: Provided that, for special reasons, the Deputy Commissioner may relax this rule and limit the annual inspection to a specified portion of any specified village, but not so as to extend beyond three years the period within which the inspection of all the boundary marks of the said village will be completed.

240. Details of all marks found to be out of repair or missing will be entered in village Form No. 19 by the patwari, and the village officers will require the occupants concerned to replace or repair such boundary marks at once:

241. Village officers will submit to the Tahsildar a copy of village Form No. 19 showing the result of the inspection. With this statement every case of default, and every case of a boundary strip that has been loathed up or encroached upon, should be separately reported.

242. The Tahsildar on receipt of these reports will, after such enquiry, if any, as he may consider necessary, order the village officers to have the boundary marks repaired by hired labour, recovering the costs as an arrear of land-revenue from the defaulting occupants. An estimate of the cost may, if necessary, be prepared by the village officers, and the Tahsildar, after scrutinizing it, may recover the amount in advance from the defaulter, refunding the balance, if any, to the defaulter on completion of the repairs.

243. In the case of an encroachment or ploughing up of a boundary strip, the Tahsildar will, after necessary enquiry, serve a notice on the responsible occupant or other interested person, requiring him by a certain date to connect the two contiguous marks between which the boundary strip has been disregarded by a continuous ridge of earth $1\frac{1}{2}$ feet in height, and should he fail to do so within the period allowed, the village officers will report the circumstance to the Tahsildar. The Tahsildar will then have the boundary put up by hired labour and the cost recovered from the defaulter as an arrear of land-revenue.

244. After the lapse of sufficient time to allow of the above measures being taken, a second inspection will be made of every field entered in village Form 19. The second inspection for the whole village must be completed by the 15th February. On the completion of the second inspection, every case of a boundary mark which still remains out of order, and every case in which the work of putting up a *sarbandh*, as ordered, remains to be carried out, will be reported separately by the village officers to the Tahsildar. The Tahsildar will then see that his orders are carried out without delay.

245. From the 15th December Tahsildars and Assistants on tour will personally examine the boundary marks of some of the numbers of several villages and record the result of their inspection in village Form No. 18 prepared by the patwari. In villages where the boundary marks have already been inspected by Circle Inspectors, Tahsildars and Assistants will specially test the work done by them.

246. Similarly, Deputy Commissioners will, during the touring season inspect the boundary marks in several villages, specially with a view to check the work of Circle Inspectors and District Inspectors, and to satisfy themselves whether the tests made by Tahsildars and Assistants were sufficient.

247. By the end of July Tahsildars and Assistants who have been on tour will submit to the Deputy Commissioner a statement showing the number of villages and the number of survey numbers of which they had inspected the boundary marks during the revenue year. The Deputy Commissioner will then compile a statement for the District including the amount of inspection made by him personally and embody it in the Report on the operations of the Settlement and Land Records Departments.

248. Boundary marks are of three descriptions, *viz* :—

- (a) the boundary strip or *dhura* ;
 - (b) mound or *waruli* ; and
 - (c) stone.
- (a) The boundary strip or *dhura* should be $4\frac{1}{2}$ feet wide. This strip shall be considered a boundary mark and shall be reserved intact as required by Section 101 (5). When it is ploughed up or cultivated a ridge shall be put up by the occupant or other responsible person. The dimensions of the ridge shall be $4\frac{1}{2}$ feet at the base, $1\frac{1}{2}$ feet from base to apex, the form being that of a prism.

(b) The dimensions of a mound or waruli are—

Length	... 10 feet.
Breadth at bottom	... 5 feet.
Breadth at top	... $\frac{3}{4}$ foot.
Height	... 3 feet.

(c) The dimensions of the stone mark are $2\frac{1}{2}$ to 3 feet in length and 6 inches square; one half of the stone should be sunk in the ground.

RECOVERY OF LAND REVENUE.

[Section 115.]

249. In all Districts and taluks, except the Yeotmal, Kelapur, and Wan Taluks of the Yeotmal District and the Melghat Taluk of the Amraoti District, the land-revenue due on account of kharif or autumn crops shall be payable on the 15th February, and the land-revenue due on account of rabi or spring crops shall be payable on the 15th April.

250. In the Yeotmal, Kelapur and Wan Taluks the corresponding dates shall be the 15th January and the 15th March.

251. In the Melghat Taluk the corresponding dates shall be the 15th January and the 15th May, and the land-revenue due on mixed (kharif and rabi) crops shall be payable on the 15th March.

252. When a survey number is cultivated with both kharif and rabi crops, the payment of the land-revenue due on that survey number shall be regulated as follows everywhere, except in the Melghat Taluk, that is to say:—

* If more than nine-tenths of the area of a survey number is occupied by kharif crops, the land-revenue shall be payable when the kharif instalment falls due. If more than nine-tenths of the area is occupied by rabi, the land-revenue shall be payable when the rabi instalment falls due. If the proportion of the area under rabi or kharif is one-tenth or more of the whole area, but less than nine-tenths, the land-revenue shall be payable in moieties when the kharif and rabi instalments respectively fall due.

253. The land-revenue may be paid in advance of the above mentioned dates; but such payment is altogether optional with the payer.

254. The land-revenue shall ordinarily be paid to the patel, or, if there is more than one patel, to the revenue patel of the village in which it falls due, and in that village.

255. In special cases, and with the sanction of the Deputy Commissioner, the land-revenue may be paid into the Sub-treasury of the tahsil, or the Treasury of the District within the limits of which it falls due, and also into any other Sub-treasury or Treasury within Berar. Such payment

shall not be accepted unless the payer furnishes with it a memorandum giving full particulars of the amount due and of the land on account of which it is due. Such payment may be made by means of Post Office money order to the Tahsildar of the tahsil within the limits of which it falls due. Any officer, other than the Tahsildar of the tahsil within the limits of which the land-revenue falls due, receiving any such payment shall give due information thereof to the said Tahsildar in order that the requisite entry may be made in the accounts of the village where the payment fell due.

PENALTY FOR WILFUL DEFAULT.

[Section 117.]

256. The penalty leviable under Section 117 of the Land Revenue Code in default of payment of land-revenue shall not exceed one-fourth of the amount of the land-revenue in arrears, and the provisions of that section should be enforced in the case of a defaulter who is known to be able to pay but wilfully delays to do so. The penalty may be remitted if the Deputy Commissioner afterwards finds that the defaulter was really not able to pay punctually.

THE FOLLOWING RULES HAVE BEEN FRAMED BY THE COMMISSIONER OF BERAR WITH THE SANCTION AND UNDER THE ORDERS OF THE CHIEF COMMISSIONER UNDER SECTIONS 121 (2), 122 (2), 126 AND 154 (1) AND (2) OF THE LAND REVENUE CODE.

I.—Notices of Demand.

[Section 121 (2).]

257. Notices of demand may be issued by the Tahsildar or the Naib Tahsildar within whose charge an arrear accrues. Such notices shall not usually be issued until 10 days after the arrear has accrued.

258. The cost of issuing notices shall be leviable at the rate of four annas for each notice if the amount of arrear does not exceed five rupees, and of eight annas in any other case.

259. The Deputy Commissioner, or an Assistant in Revenue charge of a taluk, may at his discretion remit the fee in any case if it appears to him that its levy will occasion hardship.

260. The notice of demand will be in the form given in Appendix XVIII.

II.—Distrainments.

[Section 122 (2).]

261. Distrainments of moveable property shall be made by Tahsildars.

III.—Arrests.

[Section 126.]

262. The power of arrest conferred by Section 125 of the Code may be exercised by a Deputy Commissioner, a Sub-Divisional Officer, any other Assistant who has been specially empowered by the Deputy Commissioner in this behalf, and by a Tahsildar acting under the authority of the Deputy Commissioner, which must be expressly given in each case.

263. The costs of arrest shall be according to the following scale:—

				Rs.	a.	p.
If the amount for the recovery of which the arrest is made does not exceed Rs. 25	...	...	...	0	4	0
Do. exceeds Rs. 25 but does not exceed Rs. 100	...	...	...	0	8	0
Do. exceeds Rs. 100 but does not exceed Rs. 500	...	...	...	1	0	0
Do. exceeds Rs. 500 but does not exceed Rs. 1,000	...	...	...	2	0	0
Do. exceeds Rs. 1,000 but does not exceed Rs. 5,000	...	...	...	4	0	0
Do. exceeds Rs. 5,000	...	...	...	8	0	0

264. The subsistence money to be paid by Government to a defaulter under detention or imprisonment shall be fixed by the Deputy Commissioner, or other officer, who orders the arrest within the following limits, viz.:—

	Not less than.	Not more than.
	Rs. a. p.	Rs. a. p.
If the defaulter is an European	... 1 0 0	1 8 0
If the defaulter is an Eurasian or a native of Portuguese descent	... 0 8 0	1 0 0
In any other case	... 0 3 0	0 12 0

IV.—Expenses of Sale.

[Section 154 (2).]

265. The expenses of a sale shall be taken to be—

Two annas on every 10 rupees or fraction of 10 rupees realized by sale of moveable property.

Four annas on every 10 rupees or fraction of 10 rupees realized by sale of immoveable property.

266. In the foregoing rules the costs of processes issued and of sales shall be recovered from the defaulters, and from the amounts so recovered Court fee labels shall be purchased by the responsible ministerial official of the Court executing the orders, and such labels shall be affixed to the proceedings near the orders under which the processes were issued or sales effected.

SURVEY RECORDS.

[Sections 161, 162 and 216 (g) and (k).]

267. The records prepared by the Survey Department at the original Survey and Settlement and the offices in which they have been deposited are shown below :—

		NUMBER OF COPIES MADE OVER TO BE KEPT IN—		
No.	Nature of map, register, book, statement, &c.	The Deputy Commission- er's office.	The Tahsil.	The patwaris' hands.
<i>According to original Survey.</i>				
1.	Pahani sud (statement showing names of occupants of fields at the time of measurement) ... ..	...	1	...
2.	Original Village Revenue Survey map...	...	1	...
3.	Akarband (statement showing the rate per acre, and assesment of each number)	1	1	...
4.	Wasul Baki (statement showing old village numbers, names of fields, bigas, and old assessment, with cor- responding survey numbers, areas, and assessment) ... ..	...	1	...
5.	Faisal Book or Settlement Register within the meaning of Section 161 of the Land Revenue Code (state- ment showing the occupant's name, area and assessment of each num- ber according to the settlement) ... ..	...	1	...
6.	Phod patrak (statement showing the area of each cultivator, when there are more than one in a survey number) ... ..	...	1	...
7.	Inam patrak ... ..	...	1	...
8.	Co-sharers' register	1	1	...

NUMBER OF COPIES, MADE OVER
TO BE KEPT IN.—

No.	Nature of map, register, book, statement, &c.	The Deputy Commission- er's office.	The Tahsil.	The patwaris' hands.
<i>According to original Survey.—Concl'd.</i>				
9.	Lithographed village maps ...	1	1	1
10.	Statement showing the land set apart for village commons and free-graz- ing	1	...	...
11.	Statement of fields where co-sharers' disputes exist	1	...	...
12.	List of Babul Bans and other forest tracts set apart by the Survey De- partment	1	...	...
13.	Tipan book (field book) ...	1	...	...
14.	Mojani book (area book) ...	1	...	...
15.	Prati book (classers' book) ...	1	...	...
16.	Bagait Takhta (statement showing garden land)	1	...	...
17.	Classers' Register	1	...	...
18.	Potpahani book (showing a detailed inspection of survey numbers and paiki numbers)	1	...	...
19.	Kauli patrak (statement showing sur- vey numbers given on special terms by the Survey Department) ...	...	1	...
20.	Wasuli patrak of boundary marks (showing recovery of cost of boundary marks from occupants of fields) ...	...	1	...
21.	Statement of trees ... ..	...	1	...

According to Revision Survey.

1.	Akarband	1	1	...
2.	Pahani sud ... ..	...	1	...
3.	Faisal patrak ... ..	...	1	...
4.	Wasulbaki patrak ... ..	...	1	...
5.	Inam mishrit patrak ... ..	...	1	...
6.	Phod patrak ... ..	...	1	...
7.	Classers' Register	1	...	...
8.	Bagait Takhta	1	...	...

268. No alterations or corrections shall be made in the survey records except as provided in Section 163 of the Code. All alterations and corrections that may from time to time be found necessary shall be entered under the Deputy Commissioner's signature in a few supplemental sheets to be bound up with the Settlement records. The total number of such blank sheets will be noted at the foot of each Settlement record under the signature of the Deputy Commissioner or Sub-Divisional Officer, and each sheet shall be numbered and initialled by such officer.

269. All alterations and corrections made in the survey records shall be communicated, where necessary, to the village officers through the Tahsildar, with instructions to make the necessary alterations and corrections in the village records. The Tahsildar must satisfy himself every year, at the time the village jamabandi papers are checked that all such alterations and corrections have been duly and properly made in the village records.

VILLAGE RECORDS.

[Sections 162 and 216 (h).]

270. Village records and accounts shall be prepared and maintained, except in the Melghat Taluk, in accordance with the forms and instructions contained in the "Patwaris' Manual," which has been separately prescribed.

REGISTER OF ALIENATIONS.

[Section 164.]

271. Registers of alienated land will be maintained by the Deputy Commissioner of every District in the forms given in Appendices XIX, XX and XXI.

272. The register in form Appendix XIX is a fac-simile of the original District register, *i. e.*, of the register as it stood before any mutations were entered in it. In future no mutations or alterations of any kind should ever be made in this register.

273. The register in form Appendix XX is intended to preserve a record of the mutations which have been made. In this register should be copied all the entries made subsequent to the first entry in the original register and up to the 31st December 1897. Similarly, mutations which were not entered through oversight, &c., in the original register, should be traced from the original records and entered in the register in form Appendix XX. The original register from which the registers in forms Appendices XIX and XX have been copied will be sent to the Commissioner for safe custody. Every page of each register must be attested by an Assistant Commissioner or an Extra Assistant Commissioner and be signed by him as "true copy".

274. All mutations in Inams made since the 1st January 1898 will be entered in the register in form Appendix XXI.

275. As soon as possible after receipt of the village or other report of the death of an Inamdar, the Deputy Commissioner or an Assistant who is specially empowered in this behalf, will institute an enquiry. The orders that the Deputy Commissioner may pass thereon should be entered forthwith in this register.

REGISTERS, ACCOUNTS AND RETURNS TO BE
MAINTAINED AND SUBMITTED BY
SUPERIOR HOLDERS.

[Section 165.]

276. Jagirdars, Izardars and Palampatdars shall maintain the registers and accounts and submit the returns prescribed below:—

Registers.

- (1) kird ;
- (2) khataoni ;
- (3) miscellaneous kird ;
- (4) barnavisi register ; and
- (5) register of cattle disease.

Returns.

- (1) jamabandi statement of occupied fields ;
- (2) statement of other fields ;
- (3) annual crop statement ;
- (4) statement of cattle disease ;
- (5) statement showing the agricultural stock and implements ;
- (6) income tax statement ;
- (7) tharao band.

REVENUE BUSINESS.

[Section 178.]

277. The following orders regulate the classification, distribution and registration of Revenue business and the returns which the Revenue Courts are to submit.

278. It should be borne in mind that only those cases that are taken cognizance of by Revenue officers as such should be considered Revenue business. Every case instituted must belong to some particular Court, and must remain on the register of that Court until it is decided or transferred for decision to some other Court. Every Court should distinguish between cases which are before it for final disposal and cases which come before it merely for enquiry and report. No officer can take cognizance of any case (except as set forth in Rule 287,) unless he has power to dispose of it finally, and under the arrangements made under Section 12 of the Land Revenue Code he is permitted to take it up, or unless the Deputy Commissioner has, of his own motion or under any rule or order of superior authority, directed him to take up such cases for investigation and report. No officer subordinate to the Deputy Commissioner can transfer a case from one Revenue Court to another.

279. Appendix XXII shows the classification of Revenue business.

For the registration of cases every Revenue Court will open a register in the form given in Appendix XXIII, assigning a sufficient number of pages to each of the headings shown in Appendix XXII.

280. Deputy Commissioners will open a second register in form Appendix XXIV, for appeals.

281. Attached to Appendix XXIII the necessary directions for filling up the register are given, but it must be particularly noted that a Court transmitting a case for investigation should keep such case pending on its own register, and that when a case is received by any officer for enquiry and report, all entries in his register should be made in *red ink*. The object of this rule is to prevent cases being counted twice over in the return hereinafter prescribed.

282. Cases relating to individual villages or persons should be registered according to the sub-head in Appendix XXII under the Major head "A—Mouzawar cases," while all general proceedings should be registered without any sub-head under the Major head "B—Revenue General." Major head C needs no explanation. Under the sub-head "Miscellaneous Revenue" will be entered all cases which do not clearly fall under any other sub-head of Major head A, or under Major head B or C, subject to instructions that may be issued from time to time as to the class of cases to be excluded from this sub-head and entered in the register of what are known as miscellaneous "*khatewari*" cases, which will be referred to hereafter.

283. A paper which constitutes the commencement of a "Revenue Case" should invariably be registered and given the number of the heading under which it falls and the date on which it was registered before any action is taken on it. If the officer passing orders on any papers finds that they have been wrongly registered as a case, or that they have been registered under the wrong head or sub-head, he should have the entry corrected.

The object of the register is to register cases and not papers. The paper which initiates proceedings, whether it consists of an order of a Revenue officer, or a report from village officers or a Government servant, or the petition of

a private person, must be registered as a case. Subsequent papers or fresh petitions connected with the case must be filed in the mist as they come in, and will not be entered in the register.

284. An application or report received in a pending case should be dated and initialled by the officer receiving it, and if it requires any orders they should be recorded in their proper place in the proceedings, and not on the application or report itself, on which only a note referring to the orders should be made.

285. In column 3 of Appendix XXII is shown the lowest grade of Court competent to dispose of each class of cases, subject to Rules 2 to 10 framed under Sections 12 and 14 of the Land Revenue Code. As regards cases which only the Deputy Commissioner is competent to dispose of, or has reserved to himself for disposal under the provisions of Section 12, sub-section (2) of the Land Revenue Code, he may (a) take them on his own file and dispose of them; or, except where any law, rule or order for the time being in force requires that he should personally investigate any class of cases, (b) send any case for investigation and report to any subordinate Court; or (c) direct any subordinate Court to take any particular class of cases without any reference to him and submit them for his orders after investigation.

286. Cases which an Assistant Commissioner has power to dispose of may be taken up by the Sub-Divisional Officer, if any, and if necessary by one or more Assistants in accordance with the distribution of work that may from time to time be ordered by the Deputy Commissioner, subject to the general orders of the Chief Commissioner under Section 12, sub-section (3) of the Land Revenue Code. A Sub-Divisional Officer or any other Assistant invested with powers under Section 12 of the Land Revenue Code may send cases cognizable by him to the Tahsildar for enquiry and report, except cases which require personal investigation under any law, rule or order.

287. Ordinarily, applications should be presented to the lowest Court competent to dispose of them, discretion being allowed to the Deputy Commissioner or a Sub-Divisional Officer to take up any applications which a Court of lower grade is competent to deal with; but in the latter case the Deputy Commissioner or Sub-Divisional Officer must see that enquiry about the same subject-matter is not being made in more than one Court.

The Tahsildar will, however, receive all petitions and reports which village officials, Circle Inspectors or other Government officials may, in their official capacity, submit to him. In cases where the Tahsildar is not competent to dispose of any such reports, he should, after making such enquiry as is necessary or permissible under rules or orders in force, submit the papers to the Court having jurisdiction,

288. Ordinarily, a case in which an enquiry and report have been ordered should be sent in original to the officer concerned, and a memorandum should be retained in the office transmitting the records, particulars of the case being briefly noted therein with the date on which it is returnable. Reminders issued should be noted in this memorandum and the dates on which the cases are returnable, or to which time has been extended, should be entered in the cause list to guard against the cases being lost sight of.

But when one Court has merely to refer to another for information on any specific point, the case should not ordinarily be sent in original, a separate *parwana* being issued inst-ad. Original papers, whether they are disposed of or pending, should never be sent to village officials or Circle Inspectors, but if a reference has to be made to them, they should be addressed by *parwana*, which they should return with their reply endorsed thereon.

289. In cases in which final orders passed have to be communicated to Tahsildars, the records should be sent to them in original for necessary action, a note to that effect being made in columns 10 and 11 of the register of cases. The Tahsildar will see that the necessary steps for carrying out the order are taken, and will endorse each case accordingly. The records will then be returned to the Court from which they were received, and a note will be made in column 12 of the register in that Court. Such records should ordinarily be returned by the Tahsildar within 15 days, and he should submit an explanation for any delay over that period.

In important cases, however, such as cases regarding succession to the office of patel or patwari, cases regarding succession to or resumption of Inam, the original records should not be sent to the Tahsildar, but the orders should be communicated by *parwana*.

The Tahsildar will return the *parwana* duly endorsed after taking necessary action, and the *parwana* will be filed with the original records.

290. Tahsildars will maintain a register in the form given in Appendix XXV. In this register will be entered all disposed of original cases and *parwanas* received for execution of orders, and the manner in which the orders have been carried out should be noted in the appropriate columns. Deputy Commissioners and Assistants will maintain a similar register in which should only be entered all *parwanas* sent to the Tahsildar for communication of orders, the appropriate columns being filled up on the return of such *parwanas* before they are filed with the cases to which they belong.

291. Orders in Revenue cases will be communicated to the parties in the following manner:—

- (a) by the Court to the parties personally if they are present at the time the order is passed;
- (b) by means of a *parwana* through the village officials if the parties are absent when the order is passed. If the order is passed by an officer other than the Tahsildar, it will be communicated to the Tahsildar, who will issue a separate *parwana* to the village officials. The village officials will on receipt of a *parwana* communicate the order to the parties concerned and obtain their signature on the *parwana*, which will then be returned to the Tahsildar. The Tahsildar will file the *parwana* with the case if the original order was passed by him. If the order was passed by another Court, he will send the *parwana* to that Court for record, with an endorsement on the order received from the Court stating how it was carried out. An order passed upon appeal from the order of a subordinate should never be sent through that subordinate.

- (c) in special cases, if the parties are absent when the order is passed, the Court may send for the parties and communicate the order, or, if the Court is other than that of a Tahsildar, it may direct the Tahsildar to communicate the order personally to the parties.

Intimation of an order passed upon appeal should be invariably either sent by post bearing to the parties direct or communicated to them in person :

Provided that an order passed on revision or appeal by the Chief Commissioner or the Commissioner may be communicated to the parties in the above manner through the Deputy Commissioner.

292. Official letters should not ordinarily be written in original or appeal cases, but correspondence bearing on cases should take the form of a proceeding or order and the procedure should be as follows:—

The proceeding or order should be copied out in the English branch of the Commissioner's or the Deputy Commissioner's office, as the case may be and should be despatched under a simple covering docket. The number and date of the docket should be endorsed on the original order or proceeding, which should then be restored to its place in the misl.

In some instances, however, the writing of official letters in cases is unavoidable; *e. g.*, in the case of acquisition of land for the Public Works Department. In such cases, office copies of letters, &c., after they are despatched, and letters received, after they are registered, should be filed with the misl.

293. Each Court will maintain a record pass-book in form Appendix XXVII to show the papers sent to any other Courts or officers, and no paper should be sent out of the Court without being entered in this register.

294. In the Commissioner's office the following registers will be maintained :—

(1) Register of appeals in form Appendix XXIV.

(2) Register in form Appendix XXVI for cases received from Deputy Commissioners and returned in original with Commissioner's orders endorsed thereon, such as cases regarding the introduction of rotation in the office of patel or patwari; cases requiring the Commissioner's sanction to exempt a patel or patwari or his substitute under Rule V of the Rules framed under Section 21 of the Patels and Patwaris Law; cases requiring the Commissioner's sanction to dismiss a patel or patwari; cases requiring the Commissioner's sanction to suspend or remit taccavi instalments; cases of appropriation of assigned lands, &c. In such cases the records should be sent in original to the Commissioner, letter writing being avoided.

295. Officers should record all important orders passed by them in Revenue and miscellaneous proceedings with their own hand. The

Commissioner is at liberty to define what shall be held to be "important orders" either generally or by pointing out for future guidance instances of incorrect practice in particular cases which may come before him.

296. At the close of every quarter each Court will send to the Deputy Commissioner a statement in form Appendix XXVIII.

Work coming under the head "Revenue general" will be indicated by memorandum at the foot of the form.

The Deputy Commissioner will forward to the Commissioner the above statements in original, together with one for his own Court, and a statement in the same form of the appellate work of his Court. The Commissioner will return those statements to the Deputy Commissioner with such remarks as may appear necessary recorded thereon, or on a sheet of paper attached. Letter writing should be avoided.

297. The Commissioner must insist on the prompt disposal of cases by Revenue officers and should enquire into the causes of delay.

298. Cases other than those falling under any of the headings in Appendix XXII should be registered in the miscellaneous *khatewari* register in the same form as in Appendix XXIII. The headings of the *khatewari* cases are given in Appendix XXIX. These are not regular Revenue cases, and they should not appear in the returns of Revenue business. Orders in these cases should invariably be communicated to the Tahsildar by sending the records in original, and no memorandum for the records so transmitted should be maintained.

ARRANGEMENT AND DISPOSAL OF RECORDS.

[Section 178.]

299. The District Record-room shall be in charge of an officer not below the rank of an Extra Assistant Commissioner, who shall be styled the Record-room Officer.

300. All Revenue records fall under one or the other of the following heads :—

- (1) Settlement records;
- (2) Registers, periodical returns and accounts ;
- (3) Mouzawar records, *i. e.*, papers referring to villages and capable of classification accordingly ; or
- (4) Other records, *i. e.*, papers referring to subjects, including cases falling under Major head "B—Revenue General," Major heads C-I, C-II, C-III and C-IV and miscellaneous *khatewari* cases.

301. All mouzawar and other records will be arranged in separate files, A and B.

302. File A will contain the following papers :—

- (1) Applications or reports on which cases were initiated, including memorandum of appeal ;
- (2) any other important applications or reports received while a case is pending ;
- (3) maps and plans ;
- (4) sanads or certificates ;
- (5) reports from arbitrators ;
- (6) written statements ;
- (7) genealogical trees ;
- (8) papers relating to measurements ;
- (9) local enquiry papers ;
- (10) sale papers and proclamations of sales ;
- (11) notices of relinquishments and agreements regarding occupancy ;
- (12) leases ;
- (13) security bonds and documents executed by persons under the Loans Acts ;
- (14) awards and award statements ;
- (15) proceedings including statements, depositions and decisions in original and appellate cases ;
- (16) parwanas ;
- (17) warrants for attachment of moveable and immoveable property ; and all other papers which the Court considers to be of importance.

• 303. File B will consist of all papers not included in file A and will comprise the following papers :—

- (1) petitions on points not material to the issue, such as intimating attendance of parties or witnesses, praying for time, &c. ;
- (2) notices ;
- (3) summonses ;
- (4) warrants of arrest ;
- (5) reminders ;
- (6) proclamations for attendance ;
- (7) petitions for copies ;

- (8) parwanas calling for records ;
- (9) powers of attorney or copies thereof.

304. An index of papers will be attached to each of the files A and B in the forms given in Appendix XXX. This index is intended to show (1) all the papers originally in the file, and (2) the date and reason for removal of any paper.

305. The Record-keeper is responsible for checking the correctness of the classification of papers into files A and B before the records are deposited. If a file is incomplete or incorrectly classified, the Record-keeper will report the fact for the orders of the Clerk of Court.

306. When a case is complete in every respect, *i. e.*, when the Court has passed final orders, and the orders have been carried out, the responsible clerk will prepare it for the Record-room.

307. On the index of the A file (and in the case of *khatewari* cases on the first sheet) a note will be made in red ink by the responsible clerk as to whether the record is to be retained permanently or up to what year. This note will be initialed by the Clerk of Court or the Deputy Clerk of Court and the Naib Tahsildar in the Courts of the Deputy Commissioner and Tahsildar respectively, and in an Assistant's Court by the senior clerk.

308. The Record-keeper will check the correctness of these entries, and in case of doubt or error, refer the matter to the Clerk of Court for orders. It must be clearly understood that these entries will not relieve the Record-keeper of his responsibility in seeing that each record is destroyed when necessary at the right time.

309. Cases disposed of every month must invariably be transmitted by all Courts to the Record-room in the month following by a date to be fixed by the Deputy Commissioner.

Mouzawar Cases.

310. Cases relating to every village must form a bundle by themselves. Within the bundle, cases will be arranged according to the order in which they are disposed of, but petitions, &c., disposed of before 1879 (when the present system of records was introduced), should be filed with those cases, if this has not already been done.

311. Village bundles should be arranged according to the alphabetical list of villages in each Tahsil which has been in use since 1879, and no distinction should be made between Jagir, Palampat or Izara villages and Khalsa villages.

312. Mouzawar bundles will be tied with string, and as many as may be convenient tied up in one *basta*, on the outside of which the letters of the alphabet under which the villages inside fall will be labelled. The records in each *basta* must be kept flat like judicial records,

313. The *bastas* of each Tahsil should have a distinctive colour, and should, of course, be arranged in alphabetical order on the racks, and each rack or compartment should have a ticket showing the letters of the alphabet under which the *bastas* placed thereon fall.

314. With the papers relating to each village will be tied up a fly index in the form given in Appendix XXXI. The form will be lithographed, and the fly index will be nothing more than a few, but a fixed number of lithographed sheets stitched together. The sheets must be numbered, and at the top of each the name of the village and the number of sheets must be entered under the signature of the Record-room Officer. These precautions will render the abstraction of papers impossible. When a fly index is quite full, additional sheets should be stitched and the fact noted on the last sheet, and the same precautions should be observed.

315. Besides the loose fly index, the Record-keeper will keep for each Tahsil a large bound register in which each village will have a page or more to itself, the villages following one another alphabetically. This register will be in the form given in Appendix XXXII; the entries in its columns are to consist of nothing more than the dates on which cases were disposed of.

This register is intended to make the check on the Record-keeper more complete.

316. When a case which can be classed as Mouzawar relates to two or more villages, the record should be tied up in the bundle of one of the villages and a red-ink reference made in the fly index and register sheets of the other villages.

Other Records.

317. Cases under special Laws and Rules (Classes C-I to C-IV), although they are not Mouzawar cases, should for the purpose of convenience be treated as such in the Record-room.

318. They should, like the Mouzawar cases, be entered in the fly index and the register in form Appendix XXXII, and tied up in the Mouzawar bundles. Old cases, however, which have been hitherto tied up in yearly bundles should not be disturbed.

319. The register in form Appendix XXXIII will deal with miscellaneous *khatewari* cases. A fresh register will be opened on the 1st August of each year, and a fresh series of Record-room numbers begun. Cases will be entered in the register according to classes, a sufficient number of pages being allotted to each class.

The records will also be arranged in bundles according to classes for each year, and the bundles will be secured in one or more *bastas* as may be convenient, labelled "Miscellaneous *khatewari* cases for the year—". No index of papers should be prepared for these cases.

320. The same register should be used for entering "B--Revenue general" cases, a few pages being allotted to them separately. Each of these cases must have an index of papers like the Mouzawar records.

321. The survey records will be arranged in Mouzawar bundles according to the alphabetical list of villages in each Tahsil in the same manner as Mouzawar cases.

322. The lithographed village maps of each Taluk will be arranged according to the alphabetical list of villages. The left margins of all the maps of the same letter should be brought together and they should be stitched with tape along the edge. The maps of each letter can thus be rolled up and tied with a binder inscribed with a letter of the alphabet under which they come. The maps should be all mounted on cloth.

323. Alphabetical rolls, once made up, should never be undone. If a village map has to be sent to any officer for reference, one of the spare maps must be sent, not a map removed from the Tahsil or the District Office rolls. In every Tahsil Record-room a set of village maps belonging to the Taluk will be kept in the manner described above.

324. Spare village maps will also be treated in the same manner and kept in the Record-room at the District head-quarters. They should not be mounted till they are to be issued.

325. A register in the form given in Appendix XXXIV will be maintained in the District Record-room showing the state of the stock of maps.

326. In indenting for a fresh supply, the following procedure should be observed :—

- (1) The minimum number of copies of the map of any village to be kept in stock is fixed at five.
- (2) When this number has been reached, the Deputy Commissioner should be prepared to indent for a fresh supply. He should obtain an estimate of the cost from the Commissioner of Settlements and Director of Land Records; this will be supplied to him on his furnishing the Director with a list of the villages of which maps are required, stating the length and breadth of each map in feet and inches. The Deputy Commissioner should make provision for the necessary funds in his budget and apply to the Commissioner for sanction to indent for the fresh supply.
- (3) On sanction being accorded, a fair copy of each village³ map as prepared at the revision survey settlement should be sent to the Superintendent, Government Photo-zincographic Office, at Poona, with a forwarding letter stating the number of copies required.
- (4) The minimum charge at the Poona office is for 10 copies, and 20 copies are supplied at a small additional cost on the initial

charge. Less than 10 copies should therefore not be indented for, and more than 20 should seldom be required. The Deputy Commissioner should exercise his discretion in preparing his indent, and should not apply for more copies than are likely to be used or sold within a reasonable period.

- (5) A new stock should not be indented for merely because the revision survey has taken place; when the changes on revision have been very few, it may be possible to correct the existing stock at a smaller cost than would be required for a new supply.

327. Patwaris should be required to keep copies of maps supplied to them in tin cases. Each copy of a map so supplied should be made to last ten years, and if, after that period, it becomes unserviceable, a fresh copy may be supplied free of charge. If a map is worn out within 10 years it will be replaced, but will have to be paid for by the village officers.

328. Village survey maps may be sold to private individuals, provided that there are not less than 15 copies of each map in store at the time that an application to buy is made.

The maps may be sold at the following rates to village officials, and at double those rates to the public generally :—

A map of less than 50 numbers		8 annas
do.	do. 75	do. 12 annas
do.	do. 100	do. Re. 1

and so on, four annas being charged for every 25 or part of 25 additional numbers.

329. In the Record-rooms both at the head-quarters of the District and Tahsil, a register of all periodical statements, registers, &c, received will be maintained in the form given in Appendix XXXV.

Registers will be entered separately in this register, and periodical statements will be made into bundles by the official delivering or sending them to the Record-keeper, and each bundle will be accompanied by a list of its contents signed by the said official.

330. Jamabandi papers received from village officials will be arranged in the tahsil in Mouzawar bundles, which will be secured in one or more *bastas* for each year. Each *basta* will bear a label marked with the alphabets under which the papers of the villages contained therein fall and the year to which they belong.

331. A register will be kept by the Record-keeper to show records sent out of the Record-room with separate pages for each Court, but in a single volume and in ledger form as shown in Appendix XXXVI.

332. Whenever a record is removed from the Record-room for purposes of reference, a memorandum in form Appendix XXXVII should invariably be placed in the *basta* from which it has been withdrawn,

333. The B files belonging to Mouzawar and other records will be separated from the A files immediately on their receipt in the Record-room, and kept in a separate *basta* or *bastas* for each Taluk marked—*B files for each and such a year*.

334. No person may enter the Revenue Record-room except :—

- (1) the Record-keeper and his Assistants ;
- (2) any person specially authorized by the Deputy Commissioner by order in writing ; and
- (3) Officers whose duty it is to inspect the records.

DESTRUCTION OF REVENUE RECORDS.

335. Appendix XXXVIII shows the periods for which the different classes of revenue records are to be retained. The papers mentioned in this appendix are records within the meaning of Act III of 1879.

336. In destroying papers it must be remembered that—

- (a) no papers relating to a question of right or title shall be destroyed ;
- (b) no unreturned exhibit or receipt for a returned exhibit shall be destroyed.

337. The Deputy Commissioner, or with the approval of the Deputy Commissioner any officer dealing with a case, may pass an order directing any specified paper or papers in a file, or any whole file, to be retained for a longer period than that laid down in Appendix XXXVIII. A note of such order shall be made in red ink on the list of papers as a guide in elimination work.

338. Before destroying any record, care must be taken to separate therefrom all documents belonging to private persons or to Government or a party to the proceedings which have not been superseded by the final order in the case or impounded therein. Such documents, when belonging to Government, shall be forwarded to the Deputy Commissioner for disposal with a statement of the facts. Those belonging to private persons shall be retained for 6 months, notice being meanwhile sent (if possible) to the parties to whom they belong, and also posted in a conspicuous place in the District Office, warning the parties that the documents will be destroyed unless claimed within that period.

339. Each B file should be separated from the index attached to it, and should be destroyed 12 months after the date of its receipt in the Record-room, a note of the fact and the date of elimination being made both on the index of papers and the fly index under the initials of the Record-room Officer.

340. The work of elimination will be carried on throughout the year under the supervision of the officer in charge of the Record-room.

341. The Deputy Commissioner will satisfy himself from time to time that elimination work is proceeding satisfactorily.

342. The destruction of eliminated papers shall be effected by tearing up the papers and soaking them in water under the supervision of the officer in charge of the Record-room; care must be taken that Court fee stamps have been duly cancelled. The proceeds of the sale of the waste paper (after the above treatment) shall be credited to Government. In places where there is no way of utilizing paper soaked as above, the Deputy Commissioner may order that the eliminated papers be burnt under the supervision of the officer in charge of the Record-room.

343. Besides the records specified in Appendix XXXVIII there may be English and Vernacular correspondence with Tahsildars and other officers relating to details of revenue, execution and financial business and vernacular appendages to English papers. These should be made into monthly bundles with a memorandum of their contents attached. Each such bundle will be entered in the register for *khatewari* cases in form Appendix XXXIII under the head "Miscellaneous." No definite rules can be laid down for their elimination, and the Record-room Officer will arrange for this from time to time under the special orders of the Deputy Commissioner.

Tahsil Record-room.

344. The foregoing rules will also apply, *mutatis mutandis*, to Tahsil Record-rooms.

345. The Tahsil Record-room shall be in charge of the Naib Tahsildar and he shall perform all the duties of the Record-room Officer prescribed in these rules.

346. The following records shall be deposited in the Tahsil Record-room :—

(i) *Mouzarwar Cases :—*

- (1) application for assessed waste fields (Class XVIII);
- (2) cases regarding transfer of fields (Classes XIX and XIX-A);
- (3) mutations ordinary (Class XXI);
- (4) relinquishments of fields (Class XXIII).

(ii) *Original and revision survey records in accordance with rule 267.*

(iii) *Village jamabandi papers :—*

- (a) statement of occupied fields;
- (b) statement of unoccupied fields;
- (c) crop statement;

- (d) statement showing fallow land ;
- (e) inam patrak ;
- (f) statement of mutations and transfers ;
- (g) statement of live-stock.
- (iv) *Registers relating to accounts.*

ADMISSION OF LEGAL PRACTITIONERS AND RECOGNIZED AGENTS.*

[Section 178 (1) read with Sections 181, 182 and 183.]

347. "Legal practitioner" means a person who is authorized to practise under the rules framed by the Government of India (Government of India, Foreign Department, Notification No. 1315-I. B., dated the 19th May 1899) regulating legal practitioners under Section 6 of the Legal Practitioners Act.

348. "Recognized agent" means a relative, a permanent servant, of a person holding a special power of attorney, not being a professional practitioner, whom the Court may admit as a fit person to represent a party.

349. Revenue business must ordinarily be transacted by the parties in person. Parties exempted or incapacitated by sickness or other sufficient cause from personal attendance in Court, or parties who, though present themselves, receive the special permission of the Court, may, under the following rules, employ legal practitioners or recognized agents to represent them, or to conduct their cases.

350. Legal practitioners may be allowed to appear in all cases of such intricacy or difficulty that the Court considers it necessary or advisable, on grounds to be recorded in the proceedings, that a legal practitioner should be employed, and in all cases the object of which may be to prosecute a claim against Government.

351. Recognized agents may be employed in all cases in which the Court may see sufficient reason to grant the permission. Legal practitioners' fees shall not be allowed in Revenue matters, and legal practitioners are required to make their own arrangements for remuneration with their clients; of these arrangements no Court shall take judicial cognizance.

352. The provisions of Chapters V and VII of the rules regulating legal practitioners shall, as far as they may be applicable, apply to a legal practitioner allowed to conduct a case under these rules : Provided that every report required by those chapters to be made by a Court to the

* Rules 347 to 410 were notified as required by Section 218 of the Code in *Central Provinces Gazette* Notification No. 7494, dated the 20th November 1905. They are inserted here in their proper place and numbered accordingly.

Chief Commissioner about the legal practitioner's misconduct, &c., should be sent, when such Court is presided over by an officer below the rank of Deputy Commissioner, through the Deputy Commissioner and the Commissioner, and when presided over by a Deputy Commissioner, through the Commissioner, who shall also record his own opinion on the case for the information of the Chief Commissioner.

PROCEDURE OF REVENUE OFFICERS.

[Section 178.]

Sub-section (2), clause (a).

353. An order for the delivery of possession of immoveable property or for the eviction of a person wrongfully in the possession of land shall be enforced in the manner provided in the Code of Civil Procedure in respect of the execution of a decree by which a Civil Court has adjudged delivery of possession of, or ejectment from, such property.

354. In the enforcing of any order such as is referred to in the last preceding rule, a Revenue officer shall have all the powers in regard to contempts, resistance, and the like which a Civil Court may exercise in the execution of a decree of the description mentioned in the same rule.

Clause (b).

355. When the attendance of a witness is applied for by a party in any proceeding before a Revenue officer under the Code, the applicant shall be required to deposit diet money according to the scale prescribed in Rules 356 to 360.

356. European and East Indian witnesses, when summoned by a Revenue officer to give evidence, may be allowed their actual expenses for carriage when these are not in excess of six annas a mile. They may also be allowed a sum, not exceeding Rs. 2-8-0 a day each, for subsistence if they apply for it.

357. As a general rule, native witnesses of the better class, such as patels, merchants, vakils, and persons of corresponding position, as well as all witnesses who are in no way concerned in the case in which their evidence is given, but whose evidence is required for furthering the ends of justice (such as attesting witnesses to depositions and inquest reports), may be allowed six annas a day as subsistence money, and also railway and other travelling expenses actually incurred by them at a reasonable rate.

358. Native witnesses of the class of cultivators and menials, who would not under ordinary circumstances voluntarily incur any expenses on account of special lodging when away from home, may be allowed subsistence money at the rate of four annas a day, and also railway and other travelling expenses actually incurred by them at a reasonable rate,

359. Special cases (that is, cases not coming under the operation of Rules 357 and 358) shall be dealt with on their merits, and at the discretion of the officer from whom subsistence money or travelling allowance is demanded.

360. When a witness lives in the town or village in which the officer is before whom he is required to give evidence, the officer may award him such sum, not exceeding four annas a day, as may compensate him for any loss he may have incurred by attendance upon the Court:

Provided that a Revenue officer may dispense with the payment of diet money when the party by whom it would be payable appears to be a pauper, or for any other sufficient reason.

Clause (c).

361. In cases in which Government is directly interested, a Revenue officer may pay diet money at the rate mentioned in Rules 356 to 360 to any person summoned, even when the summons is not issued at the instance of Government, if the party at whose instance the summons is issued can show sufficient reason for desiring the attendance of the person summoned:

Provided that diet money shall not be paid to a village officer summoned in any matter connected with his official duty.

Clause (d).

362. In proceedings under the Code in which costs have been incurred the final order shall apportion the costs between the parties to the proceedings. Sections 180 and 183 of the Code shall be followed; and costs shall be recoverable under Section 158 as an arrear of land-revenue.

Clause (e).

363. When it is necessary on an application made by a party in any proceeding before a Revenue officer under the Code to issue a summons or a notice or any other process to a witness, fees for serving and executing such processes shall be charged as follows:—

In the Court of the Chief Commissioner and in all Appellate Revenue Courts subordinate to that Court:—

Rs. A. P.

Summonses to witnesses, in respect of each witness	
to be summoned	0 9 0

Provided that in the aggregate for service in any one town or village no larger amount than Rs. 15 shall be leviable.

In all Revenue Courts of original jurisdiction :—

Rs. A. P.

Summonses to witnesses, in respect of each witness to be				
summoned	...	...	...	0 4 0

Provided that in the aggregate for service in any one town or village no larger amount than Rs. 8 shall be leviable.

Provided also that a Revenue officer may dispense with the payment of any process fee if the party from whom it would be recoverable appears to be a pauper, or for any other sufficient reason.

364. Processes issued by any Revenue Court to persons residing beyond its local jurisdiction either in the same or another District, will be sent for service to the Deputy Commissioner of the District in which such persons reside.

365. Informal process requiring the attendance of any person, which is issued otherwise than on the application of a party or on behalf of Government, may, at the discretion of the Revenue officer, be directed to a village officer, either by post or any other convenient mode, for communication to the person concerned.

366. All process fees will be recovered in Court fee labels, and the labels will be affixed to the proceedings in the margin near the order regarding issue of each process.

367. All Court fees and process fees recovered will be entered in a register to be maintained in each Court in the form given in Appendix XXXIX.

368. Every Tahsildar will maintain a register in the form given in Appendix XL, in which will be entered all processes received for execution from other Courts and those issued from his own Court. All orders issued by the Tahsildar to village officials for execution will also be entered in this register.

369. A register showing the attendance of chaprasis will also be maintained in every Tahsil in the form given in Appendix XLI.

370. Tahsildars will maintain a register in the form given in Appendix XLII to secure accurate statistics required for the Revenue Administration Report in regard to coercive processes issued for the recovery of land-revenue.

371. Processes under these rules shall be served by peons attached to tahsils. All officers superior to Tahsildars will issue their processes through Tahsildars.

Clause (f).

372. Inspection of a case decided by, or pending before, a Revenue officer under the Code shall not be permitted except in accordance with the following rules.

373. The documents specified below shall be open to inspection :—

- (a) Such documents, maps, registers, accounts, and records, the right of inspection of which is provided for in Section 91 of the Indian Registration Act of 1877, including notices given under Section 69 of the Berar Land Revenue Code of relinquishment of occupancy by occupants ;
- (b) Records of cases and applications disposed of by a Revenue officer to which any private person was a party ;
- (c) Records of cases and applications pending before a Revenue officer to which any private person is a party.

374. The inspection shall be allowed in the case of documents of classes (a) and (b) in the last rule at the office of the officer in charge of the same, and in the case of class (c) under the orders and subject to the control of the officer before whom the case or application may be pending during the usual office hours, and on every day except Sundays and public holidays.

375. The fee hereinafter prescribed shall be paid before inspection is allowed :

Provided that no fee shall be levied by any village officer for allowing inspection of any public document which is in his charge.

376. Copies of, and extracts from, documents of class (a) in Rule 373 may be taken by the party entitled to inspect such paper or by his agent. No copy of, or extract from, documents of classes (b) and (c) in Rule 373 shall be taken by persons inspecting them, but they may make such note of the date or details of a document as may be necessary for purposes of identification.

377. Persons inspecting documents may for the purposes of Rule 376 use pencils, but not pen and ink. It will be the duty of the officer supervising the examination of a record to see that no alterations are made in it, and no papers abstracted from it.

378. The officer in charge of any public documents mentioned in Rule 373 shall cause to be prepared and give a certified copy of the same, or of any portion thereof, under his own signature, to any person applying for such copy on payment of the fee hereinafter prescribed in this behalf: Provided that every application for a certified copy of any public documents in the charge of a village officer shall be made to the Tahsildar to whom that officer is subordinate, and the Tahsildar shall cause the copy to be prepared by the patwari of the village. Every such copy, after being compared by the patwari with the original, shall be signed by him in token of its being correct, and shall be sent by him to the Tahsildar for the purposes of being certified and made over to the applicant. No village officer shall himself certify a copy to be a true copy or receive or grant an application for any such copy.

379. Certified copies of public documents, other than those mentioned in Rule 373, may be granted if it appears to the officer in charge thereof that the granting of such copy is unobjectionable: provided—

- (a) that no copy of any official correspondence or any opinion of a Government law officer, or any order or resolution embodying such opinion, shall be given by any officer subordinate to a Deputy Commissioner without the Deputy Commissioner's previous permission ;
- (b) that no copy shall be given of any record, map or plan which has been printed or lithographed and published under the authority of Government ;
- (c) that no copy shall be given when it is obvious that the granting of such copy would be prejudicial to Government ;
- (d) that in cases of doubt the officer to whom application is made, or by whom permission has to be given, shall refer the matter for the orders of his official superior.

380. On every certified copy or extract granted under these rules the officer granting the same shall endorse—

- (a) the date on which the application for the copy was received ;
- (b) the amount received as fees under these rules ;
- (c) the date on which the applicant was told to appear and take the copy ;
- (d) the date on which the copy was ready ;
- (e) the date on which it was delivered to the applicant ;
- (f) a certificate that the copy is a true copy.

This endorsement shall be dated and signed by the officer with his name and official title, and shall be sealed if the officer is authorized to use a seal.

381. When an application is made for an inspection or copy of any public document, or of any portion of a public document, if the application does not distinctly describe the number, date, and nature of the document required, or if the description given in the application is incorrect, and if it is in consequence necessary for the officer in charge of the document to search his records to find it, a fee at the rate hereinafter prescribed shall be payable by the applicant for such search, whether the inspection or copy for which he applies is, on examination of the said document by the said officer, granted or not: Provided that no such fee shall be levied by a village officer.

382. Every application made under these rules, except an application to a village officer, shall be in writing. In the case of applications for inspection, a separate application shall be made and a separate fee shall be

paid for each record the inspection of which is desired, unless the records are so closely connected that in the opinion of the head of the office or presiding officer they may be regarded as one, in which case one application and one fee will suffice.

383. In the case of documents of classes (a) and (b) mentioned in Rule 373, if the application is made at the head-quarters of a district, it shall be presented to the Clerk of the Deputy Commissioner's Court, or, in his absence, to his deputy. If the application is made at a tahsil, it shall be presented to the Tahsildar, or in his absence, to the Naib Tahsildar. All other applications relating to such papers, and all applications relating to documents of class (c) mentioned in Rule 373, shall be made to the presiding officer of the Court in which such papers may be.

384. Officers to whom applications are presented shall attest certified copies when they are granted, and shall for the purpose of Section 76 of the Evidence Act be authorized to deliver copies in the ordinary course of official business.

385. Every application shall be registered in a special register kept for the purpose, and on presentation it shall be endorsed by the officer receiving it, with a memorandum under his signature stating the date on which it was presented and the amount of fees, if any, received at the time of presentation; and the officer shall subsequently endorse upon it the amount of any other fees received and all the particulars mentioned in Rule 380.

386. Fees payable in accordance with these rules shall be paid in advance, and the amount of all fees received shall be entered in a register to be kept by the officer in charge of the records.

Explanation.—When a Record office is close at hand, it shall not be necessary for officers granting copies of papers of class (c) in Rule 373 to keep any separate register or fee book under this or the preceding rule, and they may cause applications presented and fees paid to them to be entered in the register or fee book kept in such Record office.

387. No private person shall be allowed to enter a Record-room for the purpose of making an inspection or aiding in a search. When practicable a small ante-room to the Record-room should be provided when inspections may be made. When such room is wanting, a portion of the verandah may be railed off, or such other arrangement made as the Deputy Commissioner may think best.

388. Record-keepers shall be allowed to nominate, subject to the confirmation of the Deputy Commissioner, any assistant whom it may be necessary to appoint for the purposes of making copies or searches, or being present at inspections. Certified copies of documents deposited in any Record-room are to be made by the Record-keeper or other person appointed by him and working under his supervision in the Record-room, or in the ante-room referred to above. Documents are not to be sent into the office where current work is being carried on in order that copies may be made there. If, however, the Record-keeper does not know English, and

the paper of which copy is wanted is in English, copy may be made out of the Record office by such person and under such precautions as the Deputy Commissioner may direct.

389. Fees received under these rules shall be credited in the treasury accounts as miscellaneous fees and fines of the major head Land Revenue. When received at a place where there is a Government treasury, they shall be paid daily into the treasury. At other places they shall be paid in monthly.

390. Sums credited as above shall be at the disposal of the Commissioner or Deputy Commissioner concerned for the purpose—

(a) of paying such assistants and copyists as it may be necessary to appoint in Record-rooms for the purpose of these rules ;

(b) of paying for the making of copies outside the Record-rooms.

Such payments shall be met from the permanent advance held by the Commissioner or Deputy Commissioner for contingent charges, and shall be adjusted afterwards in contingent bills as charges for establishments and other charges of the Court or office concerned. Deputy Commissioners shall render to the Commissioner annual accounts of income and expenditure under these rules.

391. The words "public document" in these rules are to be deemed to have the same meaning as in Section 74 of the Indian Evidence Act of 1872.

392. The following fees shall be levied in cash under these rules :—

1. For every inspection at a tahsil ... 8 annas.

Do. at district head-quarters or other superior office ... 1 rupee.

2. For every certified copy—

(a) English, not exceeding 200 words ... 5 annas.

Do. every additional 100 words or less... 3 annas.

(b) Vernacular, not exceeding 200 words ... 4 annas.

Do. every additional 100 words or less... 2 annas.

(c) Tabular form—Double the rates prescribed for (a) and (b).

3. For every certified copy of a map of a survey number, or recognized share of a survey number, or a field, or of any ordinary (uncoloured) map or plan of any immoveable property ... 1 rupee.

4. For every certified copy of a map or plan not falling under the preceding article

... Such fee, not exceeding fifteen rupees and not less than one rupee, as the officer who certifies the copy shall determine: Provided that the Deputy Commissioner's sanction shall be required to charges exceeding Rs. 5.

5. For search

...

...

... 1 rupee for each year of which the records have to be searched.

6. For copies that are urgently required, fees at double the above rates shall be levied.

NOTE.—If the inspection of a document extends beyond one day, a separate fee shall be charged for each day during which inspection is made.

393. An applicant for an "urgent copy" shall be entitled, if his application be presented in the forenoon of the day, to have his copy furnished to him, if possible, before the close of the same day. If the application is presented after midday, the copy shall be furnished, if possible, on the forenoon of the following day.

Clause (g).

394. The Chief Commissioner and the Commissioner will continue to use the seals hitherto used by them.

For the Courts of Deputy Commissioners, Assistants' and Tahsildars the following forms of seals are prescribed :—

- (1) Deputy Commissioner's Court—A circular seal 2½ inches in diameter bearing the Royal Arms and the following inscription in English and Marathi—
"Court of Deputy Commissioner _____ District."
- (2) An Assistant Commissioner or Extra Assistant Commissioner in charge of the Revenue administration of one or more Taluks—A circular seal 2 inches in diameter bearing the Royal Arms and the following inscription in English and Marathi—
"Court of Sub-Divisional Officer (name of sub-division) _____ District."
- (3) Court of Assistant Commissioner or Extra Assistant Commissioner exercising Revenue powers, but not in charge of a Taluk—A circular seal 2 inches in diameter bearing the Royal Arms and the following inscription in English and Marathi—
"Court of Assistant Commissioner
Extra Assistant Commissioner (as the case may be) _____ District."
- (4) Court of Tahsildar—A circular seal 2 inches in diameter bearing the Royal Arms and the following inscription in English and Marathi—
"Court of Tahsildar _____ Taluk _____ District."

Clause (h).

395. Every appeal to a Deputy Commissioner or to the Commissioner shall be presented in person or by a recognised agent. As a rule no attention will be paid to appeals received by post, nor will an appeal be held to have been presented by reason of its having been received through the post.

396. An appeal to the Chief Commissioner may be sent by post, but must invariably be accompanied by a certified copy of the order appealed against, and copies of any other papers which are necessary to make the grounds of appeal intelligible.

397. Every appeal shall be made in the form of a petition addressed to the authority to whom the appeal lies, and shall be drawn up in concise, intelligible, and respectful language, and bear the signature or mark of the appellant or of his duly authorised agent. The petition should give the name, father's name, occupation, and place of residence or address of the appellant, the name, father's name, and address of respondent, if any, the name and address of the writer of the petition, and the date of the order or decision appealed against, and the name and designation of the officer who passed it. The petition should also contain a brief and unexaggerated statement of the facts on which the appellant relies in support of his appeal and the grounds of the appellant's objection to the order or decision appealed against. The petition of appeal must in all cases be accompanied by a certified copy of the order appealed against.

398. Petitions of appeal must be stamped as follows :—

	Rs.	a.	p.
When presented to a Deputy Commissioner ...	0	8	0
When presented to the Commissioner ...	1	0	0
When presented to the Chief Commissioner ...	2	0	0

Clause (i).

399. No one shall be allowed to practise the writing of petitions for hire in any Revenue officer's Court, or on the premises, or in the compound of such Court, without permission from the presiding officer of the Court. In the case of Courts subordinate to the Deputy Commissioner, the permission shall be given by the Deputy Commissioner.

400. Any person practising without such permission may be removed from the precincts of the Court.

401. A person wishing to practise as petition-writer within the precincts of a Court shall present a petition (on the stamp prescribed for petitions) to the presiding officer of the Court, or, where the Deputy Commissioner's permission as above is necessary, to the Deputy Commissioner.

402. A license shall not be granted unless the applicant shows that he is of respectable character, and that he can draw up a clear petition, plaint, or statement of appeal.

403. Every petition-writer licensed under these rules shall keep a register in the form given in Appendix XLIII, and shall enter therein every petition written by him, and shall produce the register for the inspection of any Revenue Court demanding it.

404. Every licensed petition-writer shall sign every petition written by him, and shall enter on it the number which it bears in his register and the fee which has been charged for writing it.

405. The officer by whom a license is granted under these rules may require a petition-writer (a) to write any particular petition or class of petitions on receipt of a fixed charge; (b) to refund any fee received in excess of what is, in the opinion of such officer, a fair charge for the work done.

406. A licensed petition-writer shall comply with the order of any Revenue officer as to the amending or re-drafting of a petition or other paper drawn up by him.

407. A license may be granted subject to the conditions specified in Rules 399 to 406, and such conditions will be inserted in the license.

408. Any license so granted may be revoked by the officer who granted it on proof of misbehaviour on the part of the petition-writer.

409. A register of authorized petition-writers shall be kept, and it shall be the duty of the Clerk of the Court, or of such other official as the presiding officer shall appoint for the purpose, to see that the precincts of the Court are kept free of all unregistered writers.

410. Nothing in these rules authorizes any Revenue officer to refuse to take a petition, plaint, or other paper merely on the ground that it is not written by an authorized petition-writer. Persons seeking the aid of Revenue officers are free to get their petitions written how and where they please.

ENQUIRIES IN REVENUE CASES.

[Section 190.]

411. All statements of parties and depositions of witnesses in cases must be recorded personally by the officer who conducts an enquiry. A Tahsildar, however, may, in any case before him, order the Naib Tahsildar to record the statements of parties and witnesses.

412. In Appendix XXII is specified the lowest grade of Court competent to pass final orders in the several classes of cases, and the lowest grade of officer by whom the enquiry in certain important classes of cases shall be conducted.

APPOINTMENT, DISMISSAL, PAY AND EMPLOYMENT OF JAGLIAS.

[Section 216 (j).]

413. Jaglias shall be appointed to villages according to the scale given in the following table :—

Classification of villages according to the number of houses in them.		NO. OF JAGLIAS FOR VILLAGES YIELDING						
		Land revenue not exceeding Rs. 250 and cess income not exceeding Rs. 15-10 0.	Land revenue between Rs. 250 and Rs. 500 and cess income between Rs. 15-10-0 and Rs. 31-4-0.	Land revenue between Rs. 500 and Rs. 2,000 and cess income between Rs. 31-4-0 and Rs. 125-0-0.	Land revenue between Rs. 2,000 and Rs. 4,000 and cess income between Rs. 125-0-0 and Rs. 250-0-0.	Land revenue between Rs. 4,000 and Rs. 5,000 and cess income between Rs. 250 0-0 and Rs. 312-8-0.	Land revenue between Rs. 5,000 and Rs. 7,500 and cess income between Rs. 312-8-0 and Rs. 468-12-0.	Land revenue between Rs. 7,500 and Rs. 10,000 and cess income between Rs. 468-12-0 and Rs. 625-0-0.
Class I.—Uninhabited	...	...	...	...	1	2	2	2
Class II.—With houses not exceeding 50	...	...	1	1	1	2	3	4
Class III.—With houses between 50 and 100	...	1	1	1	1	2	3	4
Class IV.—With houses between 100 and 200	...	1	1	1	1	2	3	4
Class V.—With houses between 200 and 400	...	2	2	2	2	2	3	4
Class VI.—With houses between 400 and 600	...	3	3	3	3	3	3	4
Class VII.—With houses between 600 and 1,000	...	4	4	4	4	4	4	4
Class VIII.—With houses between 1,000 and 1,250	...	5	5	5	5	5	5	5

Provided that—

- (1) When two villages are near each other, and the amount of the jaglia and local cess in either of them individually is insufficient to cover the salary of a jaglia, one jaglia may, with the Deputy Commissioner's sanction, be appointed to both the villages; in no other circumstances shall a jaglia be appointed to more than one village.
- (2) In municipalities and in villages where town police is maintained, the Commissioner shall decide how many jaglias should be appointed.

- (3) The Commissioner may, for special reasons, sanction a departure from the scale in any case.

414. The scale of remuneration of jaglias shall be determined, from time to time, by the Chief Commissioner.

415. The scale in the table has not been carried beyond 1,250 houses as there are very few villages with more than this number of houses. The requirements of each of such villages should be reported by the Deputy Commissioner to the Commissioner for orders.

416. Jaglias shall be nominated by patels subject to confirmation by the Tahsildar. Patels are bound to make enquiry regarding the antecedents of persons whom they nominate, and will be held responsible, should they be found to have nominated, without bringing the fact to notice, any person who has been discharged from Government service, or who has been criminally convicted, or regarding whom there may be other reasons for doubt. They will also be responsible for reporting things which may come to their knowledge regarding the antecedents of a jaglia after he has been appointed. This rule is not intended to prohibit absolutely the appointment of persons who have been discharged from Government service, and the like, but only to ensure that the fact of discharge shall be known to the Tahsildar so that he may consider whether the man is a proper person to be appointed a jaglia or not.

417. Persons nominated by patels shall appear personally before the Tahsildar accompanied by the patel. If the patel should be for any reason unable to attend personally, he shall send with the jaglia a petition under his own signature by way of introduction.

418. The Tahsildar shall assure himself—

- (a) that the person nominated has been vaccinated ;
- (b) that his antecedents and character are good ; and
- (c) that he is not physically unfit for office.

The third test should not be severely applied.

419. Tahsildars are strictly prohibited from employing or retaining jaglias at tahsils except with the sanction of the Sub-Divisional Officer in cases of emergency only. On no account should jaglias be employed on serving processes and performing similar duties of Tahsil chaprasis. Jaglias should not be transferred from one village to another.

420. Jaglias shall wear a leather belt, with a brass badge inscribed with the words :—

Jaglia No.

Mouza	...
Tahsil	...

and a turban and coat of such pattern and material as the Commissioner may from time to time direct. The cost of these articles shall be defrayed by Government. The coat and turban shall be renewed annually.

421. In villages in which there are two patels, the Sub-Divisional Officer shall, in case of dispute, determine how the jaglias shall be distributed between them. The general rule will be that at ordinary times jaglias shall be available as much as possible for watch and ward, but that at the collecting season they shall give every needful assistance to the Revenue Patel. Every jaglia without exception shall be deemed to be available for both police and revenue duties.

422. The pay of jaglias shall be disbursed at tahsils on the 10th day of April, July, October and January.

423. Patels may grant leave of absence to jaglias up to one week, but must report having done so, and will be responsible that the duties of the jaglia are not neglected.

For longer periods the sanction of the Tahsildar must be obtained; and jaglias taking such leave will be required to give substitutes.

424. Jaglias may be dismissed by the Tahsildar on proof of misconduct.

425. Cases of villages in which jaglias hold inams should be specially considered, and the rules applied only so far as they are applicable.

426. Every Jagirdar is to give to the Tahsildar a nominal list of jaglias on the first of April, a copy of which will be sent to the Chief Constable of the range. They should be engaged on the same scale as in Khalsa villages.

427. He shall report all changes during the year.

428. He shall provide every jaglia with a belt and badge of the district pattern.

429. Failing compliance with Rules 426, 427 and 428, the Deputy Commissioner or Sub-Divisional Officer will recover full cess from him, and appoint all the jaglias.

430. The foregoing rules shall not apply to the Melghat Taluk, the circumstances of which are exceptional. The Commissioner will, with the sanction of the Chief Commissioner, frame special rules for that Taluk.

APPOINTMENT, DISMISSAL AND PUNISHMENT OF VILLAGE MAHARS.

[Section 216 (j).]

431. Village mahars shall be under the control of the Revenue Patel and it shall be the duty of the Revenue Patel to see that the proper number of mahars is maintained in office in accordance with the custom of the village.

432. If, owing to an increase in the population or other sufficient reason, the number of working mahars maintained in accordance with local custom proves insufficient for the requirements of the village, the Tahsildar

shall, in consultation with the village officials and ryots, fix the number of mahars to be maintained in office in future, having regard both to the duties performed and the value of the *hugs* the mahars receive.

433. When a working mahar dies or is unable to perform his duties, it shall be the duty of the Revenue patel to arrange for the appointment of a successor or substitute strictly in accordance with the custom of the village.

434. If there is a dispute as to the right to office, the Revenue patel shall make a temporary appointment, and the parties shall be referred to a Civil Court. If the person decided by the Civil Court to have the right to office is in the opinion of the patel unfit to perform the duties of the office, he shall demand that a competent substitute be furnished.

435. Any person dissatisfied with the patel's order may apply to the Tahsildar for redress.

436. The Tahsildar may suspend a mahar or substitute mahar for a period not exceeding one year, and may, with the sanction of the Sub-Divisional Officer, dismiss such mahar for disobedience, neglect of duty, or other misconduct.

437. The principal duties of village mahars are—

- (1) village conservancy ;
- (2) assisting village officers in the collection of land-revenue ;
- (3) escorting money to the tahsil ;
- (4) patrolling the village at night ;
- (5) carrying reports to the tahsils, police stations and carrying Revenue officers' post when on tour ;
- (6) furnishing supplies, &c., to public officers ;
- (7) guarding and perambulating village boundaries ;
- (8) removing and burying the bodies of dead animals ;
- (9) sweeping public buildings in villages where no special conservancy establishment is maintained ;
- (10) carrying corpses under the orders of the police for *post mortem* examination, &c ;
- (11) carrying Government property ;
- (12) repairing and maintaining boundary marks of village sites and of lands set apart for public purposes ;
- (13) assisting any Government officer in all survey operations or in any measurement work ;

(14) doing petty repairs to all fair weather roads within their village boundaries ;

(15) carrying out patels' orders in all official matters.

438. The foregoing rules apply also to alienated villages.

RYOTS' RECEIPT BOOKS.

[Section 216 (k) (Section 80).]

439. Every registered occupant, or failing him the actual occupant, of a field shall provide himself with a receipt book, and shall always produce it to be written up by the patwari whenever he makes payments.

440. Revenue officers, when on tour, shall see that each ryot has his receipt book, and that it has been duly written up.

441. Any occupant who is found to be without a receipt book shall, when directed in writing by the Circle Inspector or other Revenue officer, provide himself with one within a month from the date of the order. On failure to obey such order his conduct shall be reported to the Tahsildar, who will point out to the occupant the necessity in the occupant's own interest of providing himself with a receipt book.

442. At every Tahsil a stock of receipt books shall be kept, and sold at four annas per book.

REMUNERATION OF MAHARS.*

[Section 217 (1) and (2).]

443. It is the duty of the Revenue patel to inform himself whether the mahars in office have been paid their *hugs* at harvest time, and to call on cultivators who have failed to pay them to do so without delay. It is the duty of the patwari to write receipts for villagers who have paid when the mahars are unable to write them, and of the patel to attest the same. Village officers are strictly prohibited from levying fees in any form for the performance of these duties.

444. If any cultivators refuse to pay the mahars' dues in accordance with the custom, the mahars may apply in writing to the Tahsildar direct, or through the patel, for assistance in recovering them.

445. Claims on account of the harvests of the current Revenue year only may be entertained. Applications for assistance in the recovery of *hugs* must be presented by the 31st May at the latest, and it is the duty of the patel to remind the mahars of this. But the Tahsildar will have discretion to receive for sufficient reasons an application up to the 31st July.

* Rules 443 to 445 were notified as required by Section 218 of the Code in *Central Provinces Gazette* Notification No. 7494 dated the 20th November 1905. They are inserted here in their proper place and numbered accordingly.

446. On receipt of a petition the Tahsildar will notice the defaulting ryots to appear and show cause why the claim should not be allowed, and will then proceed to determine what *hugs* are due to the mahars. He may proceed *ex parte* against the cultivators who fail to attend though duly served with notices.

447. *Hugs* shall be payable at the rate customary in the village. If no definite rate can be ascertained, it shall be fixed in accordance with the rate in force in the neighboring villages, and when such rate cannot be ascertained a fair rate will be fixed for the village :

Provided that when the rate at which the *hugs* are payable is in dispute, the Tahsildar will, after necessary enquiry, submit the proceedings to the Sub-Divisional Officer for orders.

448. In villages where it has been the custom not to pay any *hugs* on any particular crops, such as cotton, &c., the fact of any material change in the area under such crops which would appreciably reduce the remuneration of the mahars should be taken into consideration, and the rate of *hugs* should be adjusted accordingly.

449. The Tahsildar or the Sub-Divisional Officer, as the case may be, in passing final orders, will set forth the total quantity of grain to be delivered by each defaulting ryot, and will fix the time within which it must be delivered.

450. The Tahsildar will forthwith send a notice to each defaulting ryot through the Revenue patel to deliver the grain within the time fixed in the presence of the patel, failing which the value of the same will be recovered from him at the current market rate as an arrear of land-revenue.

451. For grain so delivered under the orders of the Court, the patel will cause a receipt to be written and will attest it. As soon as may be after the expiry of the date fixed by the Court, the patel will report to the Tahsildar what *hugs* remain unpaid, and the Tahsildar will proceed to recover the value of the same at current market rates as an arrear of land-revenue.

452. A Revenue Court has no power to decide disputes between mahars in regard to the right to receive *hugs*. In case of such dispute the Court may ascertain by summary enquiry who, among the mahars, have *bona fide* up to the date of the dispute received the *hugs*, and may make an order in their favour contingent on a Civil suit, or may direct that the *hugs* should be realized and held in deposit pending the decision of a Civil Court.

453. When mahars in an alienated village have difficulty in realizing their *hugs* from the ryots, they may petition the Tahsildar as aforesaid, and the Tahsildar will call upon the holder of the village to settle the matter. If the matter is not settled, the defaulting ryots may be proceeded against as laid down in the foregoing rules.

APPENDIX I.—(Referred to in Rule 23).

Form of Annual statement showing the results of enquiries made as to the sufficiency of the security furnished by Revenue Officers in the District of _____ for the year ending the 31st December 190 .

Consecutive number.	Names and designations of officers required to give security.	Amount of security given.	Nature of security given.	Names of sureties, if any, and dates of their bonds.	Names of new sureties, if any, substituted for former ones who have died or withdrawn, or whose fitness is considered doubtful.	Amount of security, if any, for which each surety is liable on account of other officers, whether in the same or in any other Department.	Opinion of Head of Office as to sufficiency of present security.
1	2	3	4	5	6	7	8

APPENDIX III.—(Referred to in Rule 36).

Whereas A. B. has applied to the Deputy Commissioner of _____ for the occupancy right in the land specified below, any other person who may desire to acquire the occupancy right in the said land must apply for it to the said Deputy Commissioner within one month from this date :—

Area. description, and boundaries of the land referred to in the application.	Land-revenue assessment payable for the land.	Minimum price fixed for the occupancy right.	Whether the occupancy is to be disposed of in perpetuity or leased. If leased, for what period.
1	2	3	4

(Signed) C. D.,

Dated _____.

Deputy Commissioner.

APPENDIX IV.—(Referred to in Rule 37).*Certificate of purchase.*

Certified that A. B. has purchased the occupancy right in a piece of land measuring _____, bounded _____, and situated within the limits of _____, subject to the payment of an annual rent of Rs. _____, with effect from this date, and subject to the conditions of the rules framed under the Land Revenue Code.

(Signed) C. D.,

Deputy Commissioner.

Dated _____.

APPENDIX V.—(Referred to in Rule 37).

Lease of land for building purposes.

This indenture made the _____ day of _____ between the Secretary of State for India in Council (hereinafter called the Secretary of State) of the one part and _____ (hereinafter called the lessee) of the other part *Witnesseth* that in consideration of [the sum of Rs. _____ paid by the lessee to the Secretary of State the receipt whereof the Secretary of State doth hereby acknowledge and also in consideration of] the rent hereinafter reserved and of the covenants on the part of the lessee hereinafter contained the Secretary of State doth hereby demise unto the lessee *All That* plot of land containing by admeasurement _____ situate at

NOTE.—The clause in brackets to be inserted when the occupancy right has been purchased by the lessee.

(in the municipality * of _____) in the district of _____ which said plot of land is more particularly described in the schedule hereunder written and with the boundaries thereof is for greater clearness delineated on the plan annexed to these presents and thereon coloured _____

*To be inserted when the land is situated within municipal limits.

Together with all ways, fences, waters, lands covered with water, water-courses, tanks, drains, rights, easements and appurtenances whatsoever to the said plot of land belonging or in any wise appertaining *To Hold* the premises hereby demised unto the lessee for the term of thirty years from the day of

Rendering therefor during the said term the yearly rent of Rs. _____ clear of all deductions by equal half-yearly payments on the day of _____ and the _____ day of _____

in each year at the office of the _____ or at such other place as the _____ shall from time to time appoint in this behalf the first of such payments to be made on the _____ day of _____ next and the lessee doth hereby covenant with the Secretary of State in manner following that is to say *That* the lessee will during the term hereby granted pay unto the Secretary of State the yearly rent hereby reserved on the days and in manner hereinbefore appointed *And Also* will from time to time and at all times during the said term pay and discharge all rates taxes charges and assessments of every description which are now or may at any time hereafter during the said term be assessed, charged or imposed upon the said premises hereby demised or the buildings to be erected thereupon or the landlord or tenant in respect thereof *And Also* will within _____ calendar months next after the date of these presents at his own cost in a good substantial and workmanlike manner of the best materials and to the satisfaction of _____ erect

habitation and use _____
and completely finish fit for _____
_____ working a factory for _____ or _____
_____ carrying on business in respect of _____
_____ use for (any purpose to be specified other than habitation)
on such part of the said demised premises as is worked out on the plan hereto annexed a dwelling house with proper and suitable out-buildings according to a plan and elevation to be approved of by _____

And Also shall not nor will without the previous consent in writing of the Secretary of State erect or suffer to be erected on any part of the said demised premises any building other than and except the dwelling house and out-buildings hereby covenanted to be _____
_____ building

erected *And* will not without such consent as aforesaid make any alteration in the plan or elevation of the said dwelling house and out-buildings or carry on or permit to be carried on on the said premises any trade or business whatsoever or use the same or permit the same to be used for any purpose other than that for which the said premises are covenanted to be used as hereinbefore contained *And Also* that the lessee will from time to time and at all times during the said term repair and keep the dwelling house and out-buildings so to be erected as aforesaid in good and substantial repair and condition both externally and internally *And Also* will at all times during the said term pay a reasonable share and proportion for and towards the costs and expenses of making and supporting and repairing all or any party walls, sewers and drains which now or at any time during the said term shall belong to the said premises or any part thereof in common with other premises and that such proportion shall be ascertained by and shall be recoverable as rent in arrear *And Also* that the lessee will so often as the dwelling house and out-buildings so to be erected as aforesaid or any part thereof shall be destroyed or damaged by fire or otherwise after completion immediately lay out and apply all such sums of money as shall be necessary for that purpose in well and substantially rebuilding, repairing and reinstating the same under the inspection and to the satisfaction of *And Also* will upon every assignment of said premises hereby demised or any part thereof or within one calendar month thereafter deliver a notice of such assignment to setting forth the names and description of the parties to every such assignment and the particulars and effect thereof *And Also* that it shall be lawful for the Secretary of State and his agents during the said term once in every year in the day time after 24 hours' previous notice of his or their intention so to do to enter into and upon the said demised premises and the dwelling house and out-buildings to be erected thereon as aforesaid or any part thereof and to inspect and view the condition thereof and if any defect or want of reparation shall be on any such inspection found and discovered to give to the lessee or leave upon the said premises notice in writing to make good and restore the same and that the lessee will within three calendar months next after such notice well and sufficiently make good and restore the same accordingly *Provided Always* and it is hereby declared that if the said yearly rent hereby reserved or any part thereof shall at any time be in arrear and unpaid for the space of one calendar month next after any of the said days whereon the same shall have become due whether the same shall have been lawfully demanded or not or if there shall be any breach or non-observance by the lessee of any of the covenants hereinbefore contained on his part to be observed and performed then and in any such case it shall be lawful for the Secretary of State to recover the said yearly rent or any part thereof or to make good and restore any defect or want of reparation found and discovered on any such inspection as aforesaid if the same shall not be made good and restored by the lessee within the time fixed as aforesaid and to recover the cost thereof by attachment and sale of the lessee's moveable and immoveable property including if and when necessary the said demised premises and the

dwelling house
building and out-buildings so to be erected as aforesaid or any part thereof *And* if there shall be any surplus left after satisfying in full the demand of the Secretary of State it shall be refunded to the lessee *And Also Provided* and it is hereby declared that if the said demised premises and the dwelling house
building and out-buildings so to be erected as aforesaid or any part thereof are used or permitted to be used for any purpose other than that covenanted for as hereinbefore contained it shall be lawful for the Secretary of State notwithstanding the waiver of any previous cause of or right of re-entry to enter into and upon the said demised premises and the dwelling house and out-buildings so to be erected as aforesaid or any part thereof in the name of the whole and to repossess, retain and enjoy the same as if this demise had not been made *And* the Secretary of State doth hereby covenant with the lessee that the lessee paying the rent hereby reserved and performing and observing the covenants and conditions herein contained and on his part to be performed and observed shall or may peaceably and quietly hold, possess and enjoy the said demised premises during the said term without any lawful interruption or disturbance by the Secretary of State or any person or persons lawfully claiming under him *And Also* that the Secretary of State will at the end of the term of years hereby granted and so on from time to time thereafter at the end of each such successive further term of years as shall be granted at the request and cost of the lessee execute to the lessee a new lease of the premises hereby demised by way of renewal for the term of thirty years *Provided Always* that such renewed terms of years as shall be granted shall together with the original term of year not exceed in the aggregate the period of ninety years and (the rent of the said premises hereby demised being hereby expressly made subject to enhancement on the granting of each renewed lease) that such renewed leases shall be granted only at such rents within a percentage of enhancement of twenty per cent. of the rent which shall have been reserved by any lease either original or renewed immediately preceding the renewed lease to be for the time being granted as the Secretary of State shall determine *save* as to the amount of the rent to be thereby reserved and as to the term to be thereby granted every renewed lease of the said premises hereby demised shall contain such of the covenants, provisions and conditions in these presents contained as shall be applicable *Provided Also* that the expressions "the Secretary of State" and "the lessee" hereinbefore used shall unless such an interpretation be inconsistent with the context include in the case of the former his successors and assigns and in the case of the latter his heirs, executors, administrators, representatives and assigns.

In Witness whereof the parties hereto have here set their hands
the day year first above written

The Schedule above referred to.

APPENDIX VI.—(Referred to in Rule 37).

Form of agreement to be passed by persons intending to become registered occupants.

AGREEMENT.

To

The Tabsildar of _____.

I, A. B., inhabitant of monza _____ pargana _____ in the Taluk of _____ of the _____ District, hereby accept on behalf of myself and of my co-occupants, present and future, the occupancy of the building site herein below described in the village of _____ in the _____ Taluk of the _____ District, and I pray that my name be entered in the Government records as the registered occupant of the said building site.

The said occupancy has been granted to me subject to the provisions of the Land Revenue Code, in perpetuity (or for the period of *or otherwise as the case may be*), from the _____ day of 190 _____; and I undertake to pay the rent from time to time lawfully due in respect of the said occupancy.

Dated the _____ day of _____ 190 _____, at _____
written by _____

(Signed) A. B.

We declare that A. B., who has signed this agreement, is, to our personal knowledge, the person he represents himself to be, and that he has affixed his signature hereto in our presence.

(Signed) C. D.

E. F.

We declare that to the best of our knowledge and from the best information we have been able, after careful enquiry, to obtain, the person who has passed this agreement is a fit person to be accepted by Government as responsible for the punctual payment of the rent from time to time due on the above land.

(Signed) G. H., Patel.

I. J., Patyari.

APPENDIX VII.—(Referred to in Rule 38).

Whereas applications have been received for the occupancy right in perpetuity (*or* for a period of years) in the land specified in the notification in form Appendix III, dated the day of 190 , notice is hereby given to all whom it may concern that the said occupancy right will be sold by auction to the highest bidder, subject to the conditions of the rules framed under the Land Revenue Code, at o'clock on the* day of

190 , at the

cutchery.

(Signed) E. F.,

Dated

Deputy Commissioner.

* N. B.—The date to be fixed shall be not less than seven days from the date of publication of the notice.

APPENDIX VIII.—(Referred to in Rule 74).

Extract from the Proceedings of the Government of India, in the Department of Agriculture, Revenue and Commerce, No. 150 dated Fort William, the 6th February 1872.

[LAND REVENUE AND SETTLEMENTS.]

Read again—

Financial Department Resolution No. 557, dated 25th January 1870.
Home Department Circular Resolution No. 229-39, dated 27th April 1870.
Financial Department Resolution No. 1452, dated 23rd June 1870.
Home Department Circular No. 427-36, dated 4th July 1870.

RESOLUTION.

In the Resolutions quoted above, it was ruled that the sanction of the Government of India should be obtained to the alienation of all Government land, whether actually paying revenue or not, except grants of waste land made under the approved rules, and that Government land, whether paying revenue or not, should not be parted with save under the rules applicable to the expenditure of public money. It was also laid down that if the sale of small plots of escheated land for the benefit of local funds has not been duly sanctioned, it must be considered subject to the above restrictions.

2. Several Local Governments and Administrations having represented the inconveniences arising from a strict adherence to these orders, the Governor-General in Council has been pleased to modify them as follows :—

3. Lands to be disposed of will necessarily divide themselves into two classes :

First.—Those which are the property of the State ;

Second.—Those which, under competent authority, have been constituted the property of a municipality or other local body.

4. Lands of the first class may be disposed of in various ways—

First.—By sale at full market value ;

Second.—By sale on favourable terms—
to a public body or association, or to an individual,
for a public purpose ;

Third.—By gift or grant to—

(a) a public body or association, or to an individual, or for a public purpose ;

(b) private individuals in remuneration for public services to be performed ;

(c) private individuals for their private benefit, without reference to future services,

5. As regards lands falling into the second of the above classes, which have been, under a competent authority, constituted the property of a local body, the Government of India will exercise no interference. It will be the duty of Local Governments and Administrations to satisfy themselves that the lands in question have been transferred under proper authority, and, this having been ascertained, the sanction of the Local Government or Administration will be sufficient for the disposal of the lands.

6. As regards lands the property of the State, such of them as are governed by the rules for the grant of waste lands will continue to be dealt with under the rules on this subject in force for the time being.

7. As regards lands the property of the State, other than waste lands, which are sold for full value, no reference to the Government of India need be made where the full value does not exceed Rupees 10,000. Up to this amount, the sanction of the Local Government or Administration will in all cases be sufficient. The amount realised by the sale of the land should invariably be credited to the general revenues, and the sale should be duly noticed in the Proceedings of the Local Government or Administration.

8. As regards the sale of lands on favourable terms, for a public purpose, in no case should the recipient pay less than half the full market value of the lands granted; and whenever such full value exceeds the sum of Rs. 1,000, the sanction of the Government of India should be previously obtained. The amount realized by the sale should in all cases be credited to the general revenues, and the sale should be noticed in the Proceedings of the Local Government or Administration.

9. As regards the gift or grant of lands, the previous sanction of the Government of India should be obtained in cases where the value of the grant exceeds Rs. 3,000, when given as a site for the construction of Government Schools, Hospitals, Dispensaries or other public works, at the cost of recognized local funds; where it exceeds Rs. 500, when given for any other public purpose, or to a private individual for services to be performed to the State,* or where it exceeds Rs. 100, where the services are to be performed to the community; and in all cases of grants to individuals for their private benefit, irrespective of any services to be performed.

*N. B.—This does not refer to cases in which the Local Governments may have been separately authorized to dispose of lands under special rules sanctioned by the Government of India.

Extract from the Proceedings of the Government of India, in the Department of Revenue, Agriculture and Commerce, No. 614 dated Simla, the 31st August 1877.

[LAND REVENUE AND SETTLEMENTS].

Read again—

Resolution No. 1—141-151, dated the 6th February 1872, prescribing certain rules in respect to the alienation of Government land,

RESOLUTION.

His Excellency the President in Council observes that the Resolution read in the preamble makes no express provision for the case of land sold on favourable terms to an individual for his private benefit, without reference to public services to be performed by him. His Excellency in Council is accordingly pleased to decide that such sales shall be treated as coming under sub-division (c) of head 3 of the heads specified in paragraph 4 of the Resolution, and that, as in the case of gift or grant to individuals for their private benefit, the sanction of the Government of India must be obtained to all such alienations.

2. In the statements called for in the circular from this Department, No. 356²-568, dated the 1st August 1876, all such alienations should be entered under clause (c) of head 3.

Resolution by Government of India, Department of Finance and Commerce, No. 2128 (Accounts and Finance).—Dated Fort William, the 31st December 1879.

Read again—

Resolution in the Finance Department, No. 4907, dated 4th October 1871, granting to the Seetabuldi Municipality the land revenue assessed upon the lands in the Seetabuldi civil station, but declaring that these orders must be regarded as entirely exceptional, and not involving the admission of any claim on the part of Municipalities either to the whole or any part of the land revenue levied within municipal limits.

Letter in the Revenue Department, to the Government of the Punjab, No. 358, dated 6th May 1874, granting to the Municipal Committee of Montgomery, in the Punjab, the proprietary right in the land within the town site not occupied by private tenants.

Also a letter in the Revenue Department, No. 77, dated 7th February 1879, assigning to the Ellichpur Municipality the revenue assessed upon the lands within municipal limits.

Read—

Letter from the Resident at Hyderabad proposing to remit the revenue assessed upon some of the lands within municipal limits at Ellichpur on the ground that they form parts of the compound of the occupants.

RESOLUTION.

The Governor-General in Council is aware of no reason why land revenue should not be levied upon lands attached to private residences or covered with buildings as much as upon arable or pasture lands. There is no foundation for the claim to exemption from the payment of land revenue advanced in favour of the residents of Ellichpur, and that claim must be emphatically disallowed.

2. Further, His Excellency in Council desires again that care be taken that the assignment to the Ellichpur Municipality of the revenue from the lands within municipal limits be not quoted as a precedent for like grants in future. Municipalities have no claim to the assignment of the land revenue assessed upon lands within their limits, which, like all land revenue, is an imperial asset. The Governor-General in Council is wholly opposed to the alienation of this revenue to municipalities, and no such alienation should be made hereafter.

J. E. O'CONOR,

Asst. Secretary to the Govt. of India.

Extract from the Proceedings of the Government of India, in the Home, Revenue and Agricultural Department (Revenue),—No. 328-340, under date Simla, the 20th June 1881.

Read the following correspondence regarding rules for the alienation of State lands:—

Resolution No. 1—141—151, dated the 6th February 1872.

Circular No. 2—556-566, dated the 1st August 1876

Resolution No. 1—645-635, dated the 31st August 1877.

Circular No. 1, dated the 1st February 1879.

Read also—

Paragraph 7 of a letter to the Government of Madras No. 586, dated the 17th December 1879, communicating remarks on certain statements showing alienation of land in that Presidency during the years 1873-74 to 1876-77.

Letter from the Government of the North-Western Provinces and Oudh, No. 553, dated 11th April 1881, submitting a supplementary statement of alienations of State lands during 1879-80.

RESOLUTION.

In continuation of the orders cited in the preamble, and dated the 6th February 1872, the Governor-General in Council has been pleased to decide that, where land the property of the State is alienated in exchange for land which is private property, and is of equal value with the land given up by the State, Local Governments shall have the same powers of disposal as in the case of sales for full value of lands, other than waste lands, that is to say, no reference to the Government of India need be made when the value of each plot of land exchanged does not exceed Rs. 10,000.

2. The Governor-General in Council has further decided that where land is transferred without involving the loss of any revenue from one department of Government to another, the revenues of both departments being credited to Imperial Funds, it is unnecessary to enter the transfer in the annual statements of alienations of Government properties submitted by Local Governments.

*Resolution by the Government of India, Finance and Commerce
Department (Accounts and Finance, &c.), No. 914-A., dated
Calcutta, the 19th February 1902.*

Read—

Resolution in the Finance and Commerce Department, No. 4374, dated the 23rd October 1891, directing that when any immoveable public property is made over to a local authority for public purposes, the grant shall be made expressly on the condition, in addition to any others that may be settled, that should the property be at any time resumed by the Government, the compensation payable therefor shall in no case exceed the amount (if any) paid to the Government for the grant, together with the cost or their present value, whichever shall be the less, of any buildings erected or other works executed on the land by the local authority.

RESOLUTION.

The Governor-General in Council considers it desirable that the condition laid down in the Resolution read above in the case of grants of immoveable public property to local authorities for public purposes should be attached generally to all grants of such property, whether for public, religious, educational, or any other purposes. His Excellency in Council also considers that these grants should in all cases be made subject to the further condition that the property shall be liable to be resumed by Government if used for any purposes other than those for which the grants are made.

2. In future, therefore, whenever a grant is made of any immoveable public property the property shall be granted expressly on the following conditions, in addition to any others that may be settled in particular cases, *viz* :—

- (1) that the property shall be liable to be resumed by the Government if used for other than the specific purpose or purposes for which it is granted ; and
- (2) that, should the property be at any time resumed by the Government the compensation payable therefor shall not exceed the amount (if any) paid to the Government for the grant, together with the cost or their present value, whichever shall be the less, of any buildings erected or other works executed on the land by the grantees.

ORDER.—Ordered, that this Resolution be communicated to all Local Governments and Administrations, to all Departments of the Government of India, to the Comptroller and Auditor-General and to all Accountants General and Comptrollers for information.

APPENDIX IX.—(Referred to in Rules 104 and 106).*Specimen form for the Patel's report to the Tahsildar.*

Application from A. B, inhabitant of C., for Survey No.

measuring acres guntas, in village containing trees
of less than six cubits in height as follows :—

Kind of tree.	Number.
1. Mango	
2. Mohwa	
3. Tamarind	
4. Sendhi	
5. Teak	
6. Nim	
7. Babul	

(Signed)

Patel,

REMARKS.—There is no other applicant for this land, nor is there likely to be one from the village or elsewhere.

There is no objection to this application being granted.

APPENDIX X.—(Referred to in Rule 106).

The Divisional Forest Officer shall prepare a standard scale for each taluk in the district specifying the valuation according to size of every tree noted in the margin (not being less than six cubits in height), and also of any other tree which may be from time to time prescribed with the sanction of the Commissioner. The expression "standard scale" means a scale which shall be accepted as ordinarily applicable, but the rates in which are susceptible of being raised or diminished for special reasons, to be stated in each case.

Mango.	Teak.
Mohwa.	Nim.
Tamarind.	Babul.
Sendhi.	

2. After the scale has been approved by the Conservator, a copy certified by the Divisional Forest Officer shall be deposited in the office of the Deputy Commissioner and of every Tahsildar in the district.

3. Changes in the scale of valuation may be made with the approval of the Conservator from time to time.

4. The Divisional Forest Officer shall report on all "other trees" in general terms, shall advise whether they should be given free, and, if not free, what upset price should be placed on the aggregate of them. On receipt of the Divisional Forest Officer's report, the Tahsildar shall fix the value of all the trees as therein stated, and shall note that he has done so.

APPENDIX XI.—(Referred to in Rule 110).

Notice is hereby given that the fields, together with the trees standing therein specified in the schedule, will be sold by auction at the
at midday on the

Schedule of fields referred to in the Notice.

Survey number.	Acreage.	Assessment.	Trees.	Upset price.	Remarks.
1	2	3	4	5	6

(Signature)

Tahsildar.

APPENDIX XII.—(Referred to in Rule 117).

1. Mango.	12. Bahera.
2. Mohwa.	13. Bel.
3. Kawa or Anjan.	14. Kawit.
4. Teak.	15. Siris.
5. Nim.	16. Karanj.
6. Tamarind.	17. Babul.
7. Pipal.	18. Gondhar.
8. Pakhar	19. Cheral.
9. Banyan.	20. Sendhi.
10. Gular.	21. Bamboo.
11. Jamun.	22. Char.

APPENDIX XIII.—(Referred to in Rules 119 and 131).

Form of agreement to be passed by persons intending to become registered occupants.

AGREEMENT.

To

The Tahsildar of

I, A. B, inhabitant of mouza _____ pargana _____ in the
Taluk of the _____ District, hereby accept,
on behalf of myself and of my co-occupants, present and future, the
occupancy of the land comprised in Survey No. _____ in the village
of _____ in the _____ taluk of the _____ district,
and I pray that my name be entered in the Government records as the
registered occupant of the said land.

The said occupancy has been granted to me in perpetuity from the
day of _____ 190 _____, subject to the condition to
which I hereby assent, namely, that I, my heirs, executors, administra-
tors and approved assigns, may not at any time lease, mortgage, sell or
otherwise howsoever encumber the said occupancy or any portion there-
of without the previous sanction in writing of the Deputy Commis-
sioner and subject also to the provisions of the Hyderabad Assigned
Districts Land Revenue Code, 1896, and of the rules in force there-
under; and I undertake to pay the land-revenue from time to time
lawfully due in respect of the said occupancy.

Dated the _____ day of _____ 190 _____, at

Written by

(Sd.) A. B.

We declare that A. B., who has signed this agreement, is, to our
personal knowledge, the person he represents himself to be, and that
he has affixed his signature hereto in our presence.

(Sd.) C. D.

E. F.

We declare that to the best of our knowledge and from the best
information we have been able after careful enquiry to obtain, the
person who has passed this agreement is a fit person to be accepted by
Government as responsible for the punctual payment of the land-revenue
from time to time due on the above land.

(Sd.) G. H., Patel,

I. J., Patwari.

APPENDIX XIV.—(Referred to in Rule 121).

*Form of written permission to occupy land to be given by a
Tahsildar under Section 58.*

Permission is hereby given to A. B., inhabitant of
in the Taluk of the
District, to occupy Survey No. (or the building-site herein-
below described, or otherwise as the case may be) in the village of
in the Taluk of the
District.

Dated the day of 190 ,
at .

(Sd.)

Tahsildar.

SEAL.

APPENDIX XV.—(Referred to in Rules 66 and 130).*Form of Notice of Relinquishment.**No. 1. Absolute Relinquishment.*

To

The Tahsildar of

I, A. B., inhabitant of mouza _____ pargana
 in the Taluk of _____ of the _____ District,
 the registered occupant of Survey No. _____, area _____, rental
 Rs. _____, (or of the building-site hereinbelow described, or other-
wise as the case may be) in the village of mouza _____ pargana
 _____, in the _____ Taluk of the _____ District,
 hereby give notice, under Section 69 of the Land Revenue Code, that
 it is my intention to relinquish absolutely the occupancy of the said
 Survey No. _____ (or building-site, &c.) at the end of the current year.

Dated this _____ day of _____ 190 _____,

at _____.

Written by _____

(Sd.) A. B.

We declare that A. B., who has signed this notice, is, to our personal knowledge, the person he represents himself to be, and that he has affixed his signature hereto in our presence.

(Sd) E. F.

G. H.

No. 2. Relinquishment in favour of some other person.

To

The Tahsildar of

I, A. B., inhabitant of mouza _____ pargana
 in the Taluk of _____ of the _____ District,
 the registered occupant of Survey No. _____, area _____
 rental Rs. _____, (or of the building-site hereinbelow described, or
otherwise as the case may be), in the village of mouza _____ par-

gana in the Taluk of of the
 District, hereby give notice, under Section 69 of the Land
 Revenue Code, that I have relinquished the occupancy of the said
 Survey No. (or building-site, &c.) in favour of C. D., inhabit-
 tant of mouza pargana in Taluk of the
 District; and I request that the necessary mutation
 of names be made in the records.

Dated this day of 190 ,
 at .

Written by

(Sd.) A. B.

We declare that A. B., who has signed this notice, is, to our
 personal knowledge, the person he represents himself to be, and that
 he has affixed his signature hereto in our presence.

(Sd.) E. F.

G. H.

APPENDIX XVI.—(Referred to in Rules 66 and 131).

Form of agreement to be passed by persons intending to become registered occupants.

SECTIONS 72 and 73.

To

The Tahsildar of

I, A. B., inhabitant of mouza _____ pargana _____ in the Taluk of _____ of the _____ District, hereby accept, on behalf of myself and of my co-occupants, present and future, the occupancy of the land comprised in Survey No. _____, area _____, rental Rs. _____, (or of the building site hereinbelow described, or otherwise as the case may be), situated at mouza _____ pargana _____ in the Taluk of _____ of the _____ District, relinquished in my favour by C. D., inhabitant of mouza _____ pargana _____ in the Taluk of _____ the registered occupant of the field (or fields) (or of the building site or otherwise as the case may be), or to which I have succeeded as heir of E. F., the deceased registered occupant, or to which I am entitled by operation of a decree in Civil suit No. _____ of 190 _____, on the file of the (here enter the name of the Court) passed in my favour, and I pray that my name may be entered in the Government records as the registered occupant of the said land (or of the building site or otherwise as the case may be) in place of C. D. or E. F.

I accept the said occupancy subject to the provisions of the Land Revenue Code, 1896, in perpetuity (or for the said period of, or otherwise as the case may be), from the _____ day of _____ 190 _____, and I undertake to pay the land-revenue (or rent) from time to time lawfully due in respect of the said occupancy.

Dated the _____ day of _____ 190 _____.

Written by

(Sd.) A. B.

We declare that A. B., who has signed the agreement, is, to our personal knowledge, the person he represents himself to be, and that he has affixed his signature hereto in our presence.

(Sd.) G. H.

J. K.

APPENDIX XVII.—(Referred to in Rule 135).

Form of notice to be served by a landlord upon a tenant of enhancement of rent under Section 78 (8) of the Berar Land Revenue Code.

To

A. B. (*tenant*).

I do hereby give you notice that I intend to enhance the rent of the land in your possession (*here give its description*) which you now hold as tenant under me from Rs. to Rs. per annum from the commencement of the next agricultural year, that is to say, from the 1st April 190 . You are therefore required to consent to pay rent at the enhanced rate from 1st April 190 . In the event of your not consenting to pay rent at the enhanced rate from 1st April 190 , you are hereby required to quit and deliver up possession of the land above mentioned at the end of this current year, terminating on the 31st March 190 .

Dated this day of 190 .

(Sd.) C. D. (*landlord*).

APPENDIX XVIII.—(Referred to in Rule 260).*Notice to a Defaulter.*

To A. B., residing at

You are hereby required to take notice that the sum of Rs.
 as. ps. due by you on the as the land-revenue on Survey
 No. (*or otherwise as the case may be*) in the village of
 in the Taluk of in the District has not
 been paid, and that unless it is paid within ten days from the date
 of this notice together with the sum of Rs. as. , being the fee
 chargeable for this notice, compulsory proceedings will be taken accord-
 ing to law for the recovery of the whole of the revenue still due by
 you for the current year on the said land.

Dated the

day of

190 .

(Sd.) *Tahsildar* or *Naib-Tahsildar*.

APPENDIX XXI.—(Referred to in Rule 271).

District Register of Mutations in Inam Certificates on and after 1st January 1898.

1	2					3	4
General No. of Inam in column 11 of District Register of Inam Certificates.	Mutations subsequent to 31st December 1897, with number and date of Deputy Commissioner's order in each case.					Date and substance of order passed in appeal, if any.	Remarks.
	In name of grantee.	In name of shareas.	In description and area of grant.	In assessment.	In conditions of grant.			In quit-rent.

APPENDIX XXII.—(Referred to in Rule 279).

Classification of Revenue business.

Serial No.	Description of Case.	Lowest grade of Court competent to give final orders.	Reference.	Remarks.
1	2	3	4	5
	MAJOR HEAD A.—MUNZAWAR CASES.			
1	Amendment of Settlement Records.	D. C.	Section 163 of the Land Revenue Code.	
2	Proceedings under the Waste Land Rules of 1865, 1876, 1879 and 1880. ♦	D. C.	Waste Land Rules of 1865, 1876, 1879, and 1880.	Cases of succession or resumption should be enquired into by the Deputy Commissioner personally.
3	Disputes regarding field boundaries.	T.	Sections 98 and 99 of the Land Revenue Code.	
4	Disputes regarding village boundaries.	A. C.	Sections 97 and 99 of the Land Revenue Code.	The enquiry should be made by the Assistant Commissioner personally.
5	Claims against Government to Jagirs, Inams Palampat tenure and the like.	D. C.	Inam Rules	The enquiry must be made by the Deputy Commissioner personally.
6	Cases of succession to, and registration of shares in Jagirs and Inams, also lapses and resumptions of Jagirs and Inams.	D. C.	Do.	The enquiry may be made by an Assistant Commissioner. Disputes regarding shares in Jagirs and Inams are not provided for as the Civil Court alone has jurisdiction.
7	Claims made to Government under Pensions Act.	D. C.	Pensions Act. XXIII of 1871.	Under this head claims to new pensions preferred to Government will be shown. The enquiry shall be made by the Deputy Commissioner personally.

8	Proceedings relating to the Pensions Act and the rules framed thereunder.	D. G.	...	Pensions Act, XXIII of 1871.	The enquiry shall be made by the Deputy Commissioner personally. These cases will include disputes between ex-Pargana officers regarding their allowances.
9	Proceedings regarding notice of enhancement of rent by superior holders.	T.	...	Section 78 (8) of the Land Revenue Code.	
10	Proceedings relating to pre-emption	T.	...	Sections 206, 207, 208 and 212 of the Land Revenue Code.	
10-A	Pre-emption proceedings between co-occupants regarding priority.	A. C.	...	Sections 209 and 214 of the Land Revenue Code	
11	Appointment, dismissal, etc., of Patels and their substitutes, and claims to or connected with the office.	D. C. and A. C. *		Benar Patels and Patwaris Law, 1900.	* If specially empowered by the Chief Commissioner under the Benar Patels and Patwaris Law. Cases regarding succession to office or dismissal must be enquired into by the Deputy Commissioner or Assistant Commissioner, as the case may be, personally.
12	Appointment, dismissal, etc., of Patwaris and their substitutes, and claims to or connected with the office.	D. C. and A. C. *		Do.	
13	Appointment, dismissal, etc., of Jagias.	D. C. and T.	...	Section 216 (j) of the Land Revenue Code.	
14	Disputes regarding the office or remuneration of wataadar mahars.	T.	...	Sections 216 (j) and 217 of the Land Revenue Code	Cases regarding citation of appointments of jagias or reduction in the existing number of jagias will be disposed of by Deputy Commissioner ; other cases by Talisildar.
15	Proceedings taken against land-revenue defaulters.	T.	...	Sections 56, 57, 105, 107, 117 and 119 to 132 of the Land Revenue Code.	Cases in which the rate at which <i>hugs</i> are payable is in dispute should, after enquiry, be referred to an Assistant Commissioner for orders.
16	Proceedings in respect of unauthorized occupation or appropriation of unoccupied and occupied land.	A. C.	...	Sections 59 and 61 of the Land Revenue Code.	

APPENDIX XXII.—(Referred to in Rule 279).—(Contd.)

Classification of Revenue business.

Serial No.	Description of case.	Lowest grade of Court competent to give final orders.	Reference.	Remarks.
1	2	3	4	5
17	Proceedings against persons who failed to erect or maintain boundary marks and proceedings for destruction, injury or removal of boundary marks.	T.	Sections 101 and 102 of the Land Revenue Code.	
18	Applications for assessed waste fields.	T.	Sections 58 and 60 of the Land Revenue Code.	
19	Transfer of fields.	T.	Section 72 (2) and (3) of the Land Revenue Code.	
19-A	Applications for alienations of lands the transfer of which is restricted.	D. C.	<i>Central Provinces Gazette</i> Notification No. 7088, dated the 6th December 1904.	When the transferee is not a <i>bona fide</i> agriculturist or a member of the family of the transferor, the sanction of the Commissioner is necessary.
20	Applications for unassessed waste fields	D. C.	Sections 33 and 60 of the Land Revenue Code.	
21	Mutation of names and applications for mutation supported by decree of Court.	T.	Sections 72 (1), (3) and (4) and 73 of the Land Revenue Code.	
22	Applications for mutation made on the ground of error in the proceedings in the course of which the entry to be corrected was made	A. C.	Section 163 of the Land Revenue Code.	
23	Relinquishment of fields	T.	Section 69 of the Land Revenue Code.	

24	Assignment of land for special purposes	...	D. C.	...	Section 39 of the Land Revenue Code.	
25	Appropriation of land so assigned to other purposes.	...	A. C.	...	Do.	
26	Applications regarding village (not free) grazing fields,	...	A. C.	...	.....
27	Applications for building sites.	...	A. C. and T.	...	Sections 23 and 52 of the Land Revenue Code.	Applications for building sites in municipalities and in towns or villages where there are railway stations, and in other important towns will be disposed of by an Assistant Commissioner, and in other places by Tahsildar subject to the restrictions imposed by rules under Sections 12 and 11 of the Land Revenue Code.
28	Applications for appropriation of occupied land and unoccupied waste lands,	...	A. C. and T.	...	Sections 38, 63 and 65 of the Land Revenue Code.	Tahsildars may only grant permission to remove earth, sand, muram, stone or other material from unculturable unoccupied fields not set apart for any special purpose, or from unculturable portions of occupied fields.
29	Cases under the Land Improvement Loans Act.	...	D. C. and A. C.*	...	Act XIX of 1883	*If specially empowered by the Chief Commissioner under the Acts.
29-A	Cases under the Agriculturists' Loans Act	...	D. C. and A. C.*	...	Act XII of 1884	
30	Applications and proceedings regarding trees on occupied and unoccupied land.	...	A. C. and T.	...	Sections 41 to 48 of the Land Revenue Code.	
31	Acquisition of land for public purposes	...	D. C.	...	Act I of 1894	
32	Execution of orders of Civil Courts	...	D. C.	...	Chapter XIX of the Civil Procedure Code, Act XIV of 1882. Sections 320 to 327.	
33	Cases relating to partition of land under Civil Court decrees.	...	D. C.	...	Section 265 of the Civil Procedure Code, Act XIV of 1882.	

APPENDIX XXII.—(Referred to in Rule 279).—(Concl'd.)

Classification of Revenue business.

Serial No.	Description of case.	Lowest grade of Court competent to give final orders.	Reference.	Remarks.
1	2	3	4	5
34	Cases of anticipated defaults.	... A. C. and T.	Sections 109 to 114 of the Land Revenue Code.	Pending the issue of Rules under Section 55 of the Code, applications under this class are to be disposed of under the existing Rules.
35	Proceedings relating to Government or public money and records.	D. C.	Sections 23 to 28 of the Land Revenue Code.	
36	Applications for, and proceedings relating to use of water.	D. C.	Section 55 of the Land Revenue Code.	
37	Proceedings relating to mines and minerals	D. C.	Section 67 of the Land Revenue Code.	
38	Applications or proceedings in respect of melon beds, alluvion and diluvion.	D. C.	Sections 38, 50, 51, 61 and 62 of the Land Revenue Code.	
39	Miscellaneous revenue	... To be disposed of by officers having necessary powers according to rules or circular orders that may be in force.		
MAJOR HEAD B.—Revenue General		... Do.	.....

MAJOR HEAD C.—Cases under certain special Laws and Rules.				
1.	Proceedings under the Excise Act, XII of 1896, the Opium Act, and the rules made under the above Acts.	To be disposed of by officers having necessary powers according to rules or circular orders that may be in force.	.....
2.	Proceedings relating to Income Tax.	Do.	Act II of 1886	...
3.	Proceedings under the Stamp Act.	D. C.	Act II of 1899	...
4.	Appropriation of Forest lands for purposes of quarrying, &c.	D. C.	...	...

In this Appendix D. C. = Deputy Commissioner.

" " A. C. = An Assistant Commissioner or Extra-Assistant Commissioner who has been invested with necessary powers under Section 13 of the Land Revenue Code.

T. = Tahsildar.

(a) Column 8.—The date to be shown here is the date on which—

- (1) the case is finally disposed of ;
- (2) transferred for disposal and not merely for enquiry and report to another Court. •

When a case has been received for enquiry and report its transmission to the superior Court is, of course, final disposal so far as the Court making the enquiry is concerned.

NOTE.—No case should be shown as disposed of as long as any action remains to be taken.

Illustration (1). A person is fined under Section 59 of the Land Revenue Code by an Assistant Commissioner. The case should not be shown as disposed of till the fine is reported to have been actually recovered and credited.

Illustration (2). A substitute Patel resigns or is removed. The case should not be shown as disposed of till another person is appointed in his place.

Illustration (3). An encroachment has been ordered to be removed. The case should not be shown as disposed of till it is ascertained that the encroachment has been actually removed.

- (b) Cases transmitted to another Court for investigation only, and not for final disposal, are to be retained on the register of the transmitting Court as undisposed of. Such cases are to be registered in red ink in the register of the Court to which they are transmitted.
 - (c) In the register the pages appropriated to the Mouzawar, sub-head "Miscellaneous Revenue," and to the Major-head "Revenue General" a column No. "4-A" is to be introduced and headed "Nature of case." The entry in this column is to be as brief as possible.
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APPENDIX XXV.—(Referred to in Rule 290).

Parwana Register.

Serial No.	Number of case.	Name of village.	Names of parties concerned.	Date of issue of parwana.	Date of receipt of parwana or original case in Tahsil.	Date of return of parwana or original case by Tahsildar.	Date of receipt of parwana in the Court which had issued it.	Brief note showing how the order was executed.
1	2	3	4	5	6	7	8	9

NOTE.—In the Tahsil both *parwanas* and finally disposed of cases received for execution of orders will be brought on this register. In the Deputy Commissioner's or Assistant Commissioner's Court only the *parwanas* issued will be registered here. Disposed of cases sent to Tahsildar will be noted in columns 10, 11 and 12 of the register in the form Appendix XXIII.

Register of cases returned in original with the Commissioner's orders endorsed thereon.

Register of cases returned in original with the Commissioner's orders endorsed thereon.

APPENDIX XXVII.—(Referred to in Rule 293).

Record Pass Book.

Date.	Number of case and class under which it falls.	Brief description.	Person to whom sent.	Signature of person receiving; if sent by post, a note should be made to that effect.	Remarks.
1	2	3	4	5	6

APPENDIX XXVIII.—(Referred to in Rule 296).

Name of Officer.

[illegible]

8	Dispute among pensioners.	D. C.
9	Proceedings regarding enhancement of rent.	T.
10	Proceedings relating to pre-emption.	T.
10-A	Pre-emption proceedings between co-occupants.	A. C.
11	Patels' cases	... D. C. and A. C.
12	Patwaris' cases	... D. C. and A. C.
13	Jagias' cases.	... D. C. and T.
14	Village servants' cases	... T.
15	Realization of balances	... T.
16	Unauthorized occupation or appropriation.	A. C.
17	Maintenance of boundary marks.	T.
18	Applications for fields	... T.
19	Transfer of fields	... T.
19-A	Applications for alienation of lands the transfer of which is restricted.	D. C.
20	Applications for unassessed fields.	D. C.
21	Mutation ordinary	... T.

APPENDIX XXVIII.—(Referred to in Rule 296).—(Contd).

Name of Officer

Classification No.	Nature of case.	Lowest Court competent to give final orders.	4	Pending.	Brought on file.			8	Disposed of.				13	14	15	16	17	Remarks.
					By petition presented or report of village officials, Circle Inspector, &c.	Received by transfer.	Total.		9	10	11	12							Total.	Average duration of cases disposed of.
1	2	3																
22	Mutation Special cases ...	A. C.																
23	Relinquishment of fields ...	T.																
24	Assignment of land ...	D. C.																
25	Appropriation of assigned land.	A. C.																
26	Village Khatedars, grazing fields.	A. C.																
27	Building sites ...	A. C. and T.																
28	Applications to quarry, &c.	A. C. and T.																
29	Land Improvement Loans Act.	D. C. and A. C.																

29-A	Agriculturists' Loans Act.,	D. C. and A. C.
30	Trees on occupied and un- occupied land.	A. C. and T.
31	Land for public purposes.,	D. C.
32	Civil Court orders ...	D. C.
33	Partition of land under Civil Court decree.	D. C.
34	Anticipated defaults ...	A. C. and T.
35	Proceedings relating to Gov. ernment money.	D. C.
36	Applications for use of water.	D. C.
37	Mines and minerals ...	D. C.
38	Applications or proceedings in respect of melon beds, alluvion and diluvion.	D. C.
39	Miscellaneous ...	.....
	Total ...	
	Revenue/General B. ...	

APPENDIX XXVIII.—(Referred to in Rule 296).—(Concl'd).

Name of Officer

Classification No.	Nature of case.	Lowest Court competent to give final orders.	4	Brought on file.			8	Disposed of.				13	14	15	16	17	Remarks.
				5	6	7		9	10	11	12						
				By order of Village Officer, &c.	Received by transfer.	Total.	Total of Columns 4 and 7.	By final order.	By submission to superior Court.	By transfer to other Court.	Total.	Average duration of cases disposed of.	Pending.	Number of cases pending more than six months.	Date of oldest case pending.		
1	MAJOR HEAD C.		3														
1	Cases under Excise Act, XII of 1896, and Opium Act.	.....														
2	Proceedings relating to Income Tax.	.....														
3	Cases under the Stamp Act.	D. C.															
4	Appropriation of Forest lands for purposes of quarrying, &c.	D. C.															
	Total ..																
	Grand Total ...																

Red-ink entries.

Column 5.—This must always be blank, but entries can be made in column 6 on receipt of cases for enquiry and report. When the investigation which a Court has been ordered to make is complete, and the case is submitted to the Court which ordered the investigation, the entry will be in column 10.

General.

Column 15.—A separate memorandum should be submitted explaining the cause of delay for each case pending over six months.

APPENDIX XXIX.--(Referred to in Rule 298).

Classification of Revenue Miscellaneous Khatewari cases.

Serial No.	Nature of case.
1	Sanitation.
2	Plague.
3	Cholera and small-pox.
4	Vital statistics.
5	Public safety (fires and floods).
6	Locusts.
7	Cattle disease.
8	Works of public utility done by private individuals.
9	Chair certificates. Titles of honour and Darbar.
10	Bazaars.
11	Fairs.
12	Supply of printed and lithographed forms and stationery.
13	Supply and sale of village and taluk maps.
14	<i>Sarbarai.</i>
15	Education.
16	Water supply.
17	Forests.
18	Arboriculture.
19	Establishment of pounds and cases regarding appointment and dismissal of pound keepers and pound servants.
20	Trade.
21	Recovery of Municipal taxes.
22	Repairs to Government buildings.
23	Appointment, dismissal and leave of clerks and peons.
24	Census.
25	Leave to village officials.
26	Excise-miscellaneous cases.
27	Security bonds.
28	Miscellaneous applications and reports not falling under any of the above heads.

APPENDIX XXX.—(Referred to in Rule 304).*Index of papers for A and B files.*

Note here whether the record is to be retained permanently ; if not, up to what year.

(Signature.)

Class No. Case No. Village No.
 Name of village. Pargana. Taluk.
 Names of parties.
 Date of disposal.
 Abstract of final order.

Record-room No.

List of papers.

Description of papers.	Number of pages.	Date of removal.	How removed.	Signature of official removing.
1	2	3	4	5

NOTE.—This form will be used for indexing both A and B files. But in the case of B files, the following particulars only may be entered :—

- (a) Class No.
- (b) Case No.
- (c) Village No.
- (d) Name of village.
- (e) Name of Taluk.
- (f) Date of disposal.
- (g) Description of papers.

APPENDIX XXI.—(Referred to in Rule 314).

Fly Index Sheet No. _____ *of Mouza* _____ *Pargana* _____ *Taluk* _____ *(Initials*

of Assistant or Extra Assistant Commissioner).

Serial No.	Date of making entry.	Date of final order.	No. of case with class number.	Name and father's name of Plaintiff.	Name and father's name of Defendant.	Final order.	Number of papers comprising the record.	B file.	Whole record.	Signature of eliminating officer.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12

Column 2.—Is for the date on which the entry on the fly index is made. *Columns 5 and 6.*—The terms plaintiff and defendant will not always be appropriate, but they serve to indicate the nature of the entry to be made in these columns.

Idem.—When the parties do not reside in the village, then residence may be added.

Column 7.—The entry here should be quite brief. It will be the duty of the Record-keeper to enter cases on the day he receives them, hence it will often happen that the entries in column 3 will not be strictly chronological.

Column 8.—Will prevent the abstraction of any papers from a misl.

APPENDIX XXXIV.—(Referred to in Rule 325)

Stock of village maps of the _____ Taluk _____ District.

1	2	3	4	STOCK OF MAPS.			MAPS ISSUED FREE				MAPS SOLD.						17	
Index number.	Name of village.	Name of pargana.	Total Survey Numbers.	5	6	7	8	9	10	11	12	13	14	15	Balance.	16	17	
				Number of maps in hand with date.	New supply received with date.	Total stock.	Number of copies issued.	Date of issue.	To whom issued.	Reference to the order under which issued.	No. of copies sold.	Date of sale.	To whom sold.	Reference to the order under which sold.				

APPENDIX XXXVIII.—(Referred to in Rules 335 and 337).

PART I.—*Revenue cases.*

No.	Description of cases.	Length of time for which to be kept.	Remarks.
1	Papers containing final orders regarding amendment of settlement records (Class I).	To be kept permanently.	
2	Proceedings regarding grants under Waste Land Rules of 1865, 1876, 1879 and 1880, and also regarding resumptions and transfers of grants (Class II).	Do.	
3	Proceedings regarding election of lessees of either proprietary or patelki right in villages granted under the Waste Land Rules of 1865 (Class II).	Do.	
4	Disputes regarding village boundary marks (Class IV).	Do.	
5	Papers relating to the settlement of boundary disputes when such disputes have not been finally decided by the survey officers.	Do.	
6	Claims to jagirs, inams, palampat tenures, and the like, not being disputes of jagirdars, &c., <i>inter se</i> , or claims under Section 5 of the Pensions Act (Class V).	Do.	
7	Cases of succession to and registration of shares in jagirs and inams, also lapses and resumptions of jagirs and inams (Class VI).	Do.	
8	Proceedings regarding correction or grant of inam certificate (Class VI).	Do.	
9	Papers regarding claims made to Government under the Pensions Act (Class VII).	Do.	
10	Proceedings regarding disputes among parties interested coming under the Pensions Act, and proceedings under the rules framed under the Pensions Act (Class VIII).	Do.	
11	Proceedings relating to pre-emption (Class X).	Do.	
12	Pre-emption proceedings between co-occupants regarding priority (Class X-A).	Do.	

APPENDIX XXXVIII.—(Contd.)

No.	Description of cases.	Length of time for which to be kept.	Remarks.
13	Proceedings regarding appointment and dismissal of patels and patwaris and claims to, and connected with, the offices (Classes XI and XII).	To be kept permanently.	
14	Old proceedings regarding distribution of emoluments of these offices among several sharers (Classes XI and XII).	Do.	
15	Proceedings regarding lapses of patels' and patwaris' <i>watans</i> (Classes XI & XII).	Do.	
16	Disputes regarding office or remuneration of village servants (Class XIV).	Do.	
17	Applications for assessed waste fields in which the fields applied for were either granted or sold (Class XVIII).	Do.	
18	Cases regarding transfer of fields (Classes XIX and XIX-A).	Do.	
19	Applications for unassessed waste lands granted (Class XX).	Do.	
20	Proceedings regarding mutation of names and applications for mutation supported by decree of court (Class XXI).	Do.	
21	Applications for mutation made on the ground of error in the proceedings in the course of which the entry to be corrected was made (Class XXII).	Do.	
22	Papers regarding relinquishment of fields (Class XXIII).	Do.	
23	Proceedings regarding assignment of land for special purposes (Class XXIV).	Do.	
24	Proceedings regarding appropriation of lands so assigned for other purposes (Class XXV).	Do.	
25	Applications regarding village (not free) grazing lands resulting in mutation of names of khatedars (Class XXVI).	Do.	
26	Applications sanctioning grant of sites for building purposes (Class XXVII).	Do.	

APPENDIX XXXVIII.—(Contd).

No.	Description of cases.	Length of time for which to be kept.	Remarks.
27	Applications in which permission is granted to occupants to appropriate land in their occupancy permanently for building or other non-agricultural purposes (Class XXVIII).	To be kept permanently.	
28	Applications in which sanction is given to appropriate land from unoccupied culturable or unculturable waste for similar purposes (Class XXVIII).	Do.	
29	Proceedings regarding acquisition of land for public purposes (Class XXXI).	Do.	
30	Papers regarding partition of fields in execution of Civil Court decrees (Class XXXIII).	Do.	
31	Proceedings relating to mines and minerals (Class XXXVII).	Do.	
32	Applications and proceedings regarding melon beds, alluvion and diluvion (Class XXXVIII).	Do.	
33	Cases regarding settlement records in which no alterations or corrections have been ordered (Class I).	Twelve years.	
34	Disputes regarding field boundary marks (Class III).	Three years.	
35	Complaints regarding removal of, or injury done to, boundary marks (Class III).	Do.	
36	Proceedings against jagirdars and inamdars failing to render the stipulated service or to fulfil conditions under which the grants were made, not resulting in resumption (Class VI).	Do.	
37	Proceedings against jagirdars and inamdars who fail to pay quit-rent, not resulting in resumption (Class VI).	Do.	
38	Applications for certificates under Section 6 of the Pensions Act (Class VIII).	Oneyear.	

APPENDIX XXXVIII.—(Contd.)

No.	Description of cases.	Length of time for which to be kept.	Remarks.
39	Proceedings regarding notice of enhancement of rent by superior holder (Class IX).	Twelve years.	
40	Applications under Act X of 1859 (Class IX).	To be destroyed at once.	
41	Suits under Act X of 1859 (Class X) ...	Do.	
42	Proceedings regarding the appointment and dismissal of agents or substitutes on behalf of patels and patwaris (Classes XI & XII).	So long as the agent or substitute is in office.	
43	Proceedings against patels and patwaris or their agents or substitutes for breach of duty, misconduct, &c., not resulting in the dismissal of principals (Classes XI & XII).	So long as the patel, patwari, or the agent or substitute for patel and patwari is in office.	
44	Proceedings regarding the renewal of powers of attorney (Classes XI & XII).	So long as the power of attorney is not cancelled.	
45	Complaints from members of patels' and patwaris' families against the office holder regarding non-payment of their shares of emoluments.	To be destroyed at once.	
46	Complaints from patels and patwaris regarding emoluments payable to them having been paid to ex-pargana officers (Classes XI & XII).	Do.	
47	Proceedings regarding appointment and dismissal, &c., of jaglias (Class XIII).	Three years.	
48	Applications for entertainment of jaglias (Class XIII).	Do.	
49	Proceedings regarding transfer of jaglias (Class XIII).	To be destroyed at once.	
50	Cases regarding mahars' <i>hugs</i> in which there is no dispute as to the <i>rates</i> at which <i>hugs</i> should be paid, but which only involve dispute as to payment (Class XIV).	Twelve years.	

APPENDIX XXXVIII.—(Contd.)

No.	Description of cases.	Length of time for which to be kept.	Remarks.
51	Proceedings against land revenue defaulters (Class XV).	Three years.	
52	Proceedings in respect of unauthorized occupation or appropriation (Class XVI)	Six years.	
53	Proceedings against persons who fail to erect or maintain boundary marks (Class XVII).	Three years.	
54	Applications for assessed waste fields not granted (Class XVIII).	One year.	
55	Applications for unassessed fields not granted (Class XX).	Do.	
56	Applications for melon beds (Class XX).	Do.	
57	Cases in which the applications for relinquishment are rejected (Class XXIII).	Three years.	
58	Cases in which the appropriation of assigned land is not granted (Class XXV).	Twelve years.	
59	Applications regarding village (not free) grazing lands not resulting in mutation of names (Class XXVI).	One year.	
60	Applications for building sites not granted and cases of encroachments (Class XXVII).	Do.	
61	Applications which were rejected for permission to appropriate permanently occupied or unoccupied culturable or unculturable lands for purposes other than agriculture (Class XXVIII).	Do.	
62	Applications to quarry, dig, &c. (Class XXVIII).	Do.	
63	Applications under the Land Improvement Loans Act (Class XXIX).	Do.	} After the repayment in full.
64	Applications under the Agriculturists' Loans Act (Class XXIX-A).	Do.	

APPENDIX XXXVIII.—(Contd).

No.	Description of cases.	Length of time for which to be kept.	Remarks.
65	Applications and proceedings regarding trees on occupied and unoccupied lands (Class XXX).	One year.	
66	Proceedings regarding acquisition of land for public purposes in which the application for the land asked for was subsequently withdrawn (Class XXXI).	Three years.	
67	Proceedings regarding acquisition of land for public purposes in which the land sought to be acquired was not granted (Class XXXI).	Do.	
68	Applications for acquisition of land for village purposes not granted (Class XXXI).	Do.	
69	Proceedings regarding anticipated defaults (Class XXXIV).	Do.	
70	Proceedings relating to Government or public money (Class XXXV).	Twelve years.	
71	Applications for and proceedings relating to use of water (Class XXXVI).	Do.	
72	Applications from field holders for services of a Circle Inspector to enable them to restore marks of their fields.	One year.	
73	Applications from jagirdars, izardars, &c., for assistance in recovering rent from their tenants.	To be destroyed at once.	
74	Papers regarding grant of leave to village officers and jaglias.	One year.	
75	Proceedings against village mahars for negligence, &c., in performance of their duties.	Three years.	
76	Proceedings regarding renewal of inam certificates, of sanads to patels and patwaris, and of pension payment orders to ex-pargana officers.	Do.	
77	Applications or reports for supply of village maps.	Six years.	
78	Proceedings regarding restoration of boundary marks washed away.	Three years.	

APPENDIX XXXVIII.—(Contd.).

No.	Description of cases.	Length of time for which to be kept.	Remarks.
79	Proceedings against field holders for closing roads in their fields which were recognized by the survey department.	Three years.	
80	Applications from village officers for remuneration on collections made by them on account of municipal taxes forest dues, bazar revenues, &c.	Do.	
81	Applications from agents, patels and patwaris for remuneration due to them from their principals.	Do.	
82	Proceedings regarding the recovery of instalments due on account of takavi advances.	Do.	
83	Cases regarding abkari sales, sales of bazars, town fund assessment, &c. (Revenue B—General).	Do.	
84	Applications for licenses for the sale of foreign spirits (Class C I).	Do.	
85	Applications for licenses for the sale of opium (Class C I).	Do.	
86	Other proceedings under Excise Act, XII of 1896, Opium Act. and the rules framed thereunder (Class C I).	Do.	
87	Proceedings under the rules relating to Town Fund (Class C II).	Do.	
88	Proceedings relating to Income-tax (Class C II).	Six years.	
89	Proceedings under the Stamp Act (Class C III).	Three years.	
90	Appropriation of forest lands for purposes of quarrying, &c. (Class C IV).	Six years.	
91	Proceedings under the Treasure Trove Act and Circulars.	Three years.	
92	Municipal appeals	Do.	

APPENDIX XXXVIII.—(Contd.)

PART II.—*List of miscellaneous papers in the offices of Deputy Commissioners and Tahsildars.*

No.	Description of papers.	Length of time for which to be kept.	Remarks.
Inam papers.			
1	Vernacular record of inam enquiry ...	To be kept permanently.	
2	Papers relating to yeomiah grants or grants of cash allowances.	Do.	
3	Papers relating to mokasa ..	Do.	
4	Papers relating to assignment of land to deostans (temples).	Do.	
Survey papers.			
5	Papers relating to survey settlement which may be of use for future reference.	Do.	
6	All papers (other than registers) handed over by the Survey Department for record on the completion of revision of assessment.	Do.	
7	Village maps ...	Do.	
General.			
8	Genealogical trees and sanads ...	Do.	
9	All papers regarding abolished taxes, <i>kugs</i> , duties, &c.	Do.	
10	Papers relating to measurement of paiki numbers.	Do.	
11	Papers regarding transfer of villages from one district or taluk to another district or taluk.	Do.	
12	Papers relating to inclusion of newly made survey numbers in the land revenue 'patraks.	Do.	
13	Papers regarding demarcation of bazar sites.	Do.	
14	Papers relating to the Lonar Lake ...	Do.	
15	Papers showing water supply in each village.	Do.	

APPENDIX XXXVIII.—(Contd.)

No.	Description of papers.	Length of time for which to be kept.	Remarks.
16	Papers relating to satta transactions ...	To be kept permanently.	
17	Correspondence regarding, and lists of, objects of archæological interest and ancient monuments.	Do.	
18	Correspondence restricting the use of free grazing lands to the cattle of the village to which the lands belong.	Do.	
19	Correspondence stopping jagirdars issuing passes for grazing in khalsa villages.	Do.	
20	Correspondence regarding mode of assessment in the Melghat Taluk.	Do.	
21	Papers showing rights of village officers and zamindars or ex-pargana officers.	Do.	
22	Old Moglai papers of importance ...	Do.	
23	Papers containing orders, reports, statements and correspondence which appear to be of permanent value.	Do.	
24	Translation of Government orders, circulars, letters, &c., for the information of the Vernacular Department.	Do.	
25	List of villages transferred from and to His Highness the Nizam's Dominions.	Do.	
26	List of villages on the borders of His Highness the Nizam's Dominions.	Do.	
27	Papers regarding working of salt wells and returns of salt produced.	To be destroyed at once.	
28	Old papers relating to the <i>hugs</i> of joshi-pan.	To be kept permanently.	
29	Decisions as regards ownership of certain sites.	Do.	
30	Papers regarding sale of watans ...	Do.	
31	Papers regarding mahars' <i>hugs</i> ...	Do.	
32	Papers regarding kazis' watans ...	Do.	
33	All Acts, rules, circulars and orders in force.	Do.	

APPENDIX XXXVIII.—(Contd.).

No.	Description of papers.	Length of time for which to be kept.	Remarks.
Forest.			
34	Correspondence regarding keeping up in repair only the outer boundary marks of State forests.	To be destroyed at once.	
35	Correspondence regarding recovery of forest <i>hugs</i> of Melghat Rajas.	To be kept permanently.	
36	Complaints of the Forest Department against the Melghat Rajas regarding their indifference in protecting the interest of the Forest Department.	Twelve years.	
37	Papers regarding planting of trees on road sides.	Do.	
38	Papers regarding sale of grazing lands ...	Three years.	
39	Papers relating to repairs of forest boundary marks.	Do.	
40	Papers regarding unauthorized felling of trees on Government lands.	Two years.	
41	Petitions for forest produce ...	One year.	
42	Papers regarding rumnahs, babul buns, bori buns, &c.	To be destroyed at once.	
43	Correspondence regarding babul seed and statements of babul trees.	Do.	
44	Correspondence regarding planting of Sindhi trees.	Do.	
45	Applications for permission to cut grass on Government lands.	Do.	
46	Papers regarding sale of grass in rumnahs and other State forests, including kabuliats taken from purchasers.	Do.	
Excise.			
47	Taluk maps showing abkari circles and shops.	To be preserved till revised maps are prepared.	
48	Lists of shops (liquor, opium, ganja and toddy).	Three years.	
49	Kabuliats from sub-contractors of abkari.	One year.	

APPENDIX XXXVIII.—(Contd).

No.	Description of papers.	Length of time for which to be kept.	Remarks.
Bazar.			
50	Applications against bazar contractors ...	Three years.	
51	Papers relating to opening of new bazars	Two years.	
52	Papers relating to sale of teakwood in bazars.	Do.	
53	Applications for exemption of certain bazars from the bazar cess.	Do.	
54	Applications for supply of bazar pass books.	One year.	
55	Security bonds and kabuliats taken from bazar contractors.	Do.	
56	Correspondence regarding closing of bazars on account of prevalence of infectious diseases.	Do.	
57	Papers regarding levy of bazar cess on cotton brought for sale.	Do.	
58	Applications from bazar contractors to levy cess at fairs and <i>urus</i> .	Do.	
59	Applications from bazar contractors for assistance in recovering their dues from sub-contractors.	To be destroyed at once.	
Sanitation.			
60	Vernacular correspondence regarding starting Sanitary Boards in large towns and villages.	To be destroyed keeping orders only.	
61	Vernacular correspondence regarding setting aside in rotation for two years certain areas of occupied land at villages for purposes of resort.	Twelve years.	
62	Papers regarding sale of rubbish in the gaothan, &c.	One year.	
63	Vernacular correspondence regarding sanitation of villages.	Do.	

APPENDIX XXXVIII—(Contd.).

No.	Description of papers.	Length of time for which to be kept.	Remarks.
Medical.			
64	Vernacular correspondence relating to starting of hospitals and dispensaries.	Three years.	
65	Papers relating to subscriptions for charitable dispensaries.	Two years.	
66	Reports regarding outbreak of cholera, small-pox, or other infectious diseases.	Do.	
67	Remarks on inspection of vital statistics registers.	Do.	
Vaccination.			
68	Reports against vaccinators	Do.	
69	Correspondence regarding supply of vaccination registers.	One year.	
Education.			
70	Vernacular correspondence regarding opening, &c., of libraries.	Two years.	
71	Vernacular correspondence regarding opening, &c., of presses.	Do.	
72	Vernacular correspondence regarding establishment of schools.	Do.	
73	Papers relating to the appointment of members on School Committees.	Do.	
74	Reports or applications against members of School Committees or school masters	Do.	
Local Fund.			
75	Executive orders of permanent interest passed by Local Committees and proceedings of Local Committees.	To be kept permanently.	
76	Correspondence regarding jaglia clothing	One year.	
77	Papers regarding construction and repairs of village chowries.	Do.	
78	Miscellaneous correspondence between Local Committees, including Boards, &c., and the Deputy Commissioner.	Do.	

APPENDIX XXXVIII.—(Contd.)

No.	Description of papers.	Length of time for which to be kept.	Remarks.
79	Executive orders of Local Committees of no permanent interest.	To be destroyed at once.	
80	Vernacular papers of enquiry as to the rats at which jagha cess was recovered in 1870-71.	Do.	
81	File of miscellaneous applications to Local Committees.	Do.	
Cattle Pound.			
82	Papers regarding appointment of pound keepers and pound servants.	One year.	
83	Papers regarding repairs to cattle pounds.	Do.	
84	Reports accompanying remittances of pound receipts.	Do.	
85	Papers regarding sale of impounded cattle.	Do.	
86	Inspection remarks on pound registers ...	Do.	
87	Papers regarding sale of stray cattle ...	Do.	
88	Applications for refund of sale proceeds of impounded cattle.	Do.	
Miscellaneous.			
89	Papers relating to punishments inflicted on Government servants.	To be preserved so long as the Government servant is in service.	
90	Lists of suitable camping grounds ..		
91	All repealed Acts, rules and circulars ...	One copy to be retained and the rest destroyed.	
92	Papers regarding entertainment of temporary establishment in record-rooms for elimination of old records.		
93	Papers showing measures taken to relieve the distressed in the year of famine.	Do.	

APPENDIX XXXVIII—(Contd.).

No.	Description of papers.	Length of time for which to be kept.	Remarks.
94	Inspection memos of Commissioner and Deputy Commissioners.	Six years.	
95	Papers relating to exhibitions or horse shows.	Ten years.	
96	Papers relating to subscriptions collected for the celebration of the Jubilee.	Do.	
97	All orders, papers, &c., relating to the census.	Do.	
98	Correspondence regarding supply of office furniture.	Six years.	
99	Papers relating to <i>dharma-daya</i> ...	Three years.	
100	Correspondence regarding jamabandi forms.	Do.	
101	Papers regarding sale of produce of Government mango and mohwa trees.	Do.	
102	Reports regarding remittances of town fund assessment collected.	Do.	
103	Papers regarding issue of passes to pilgrims to Mecca and Hedjaz.	Do.	
104	Papers regarding removal by mahars of dead bodies of animals which have died in municipal limits.	Do.	
105	Applications for licenses to write petitions.	Do.	
106	Applications for refund of revenue paid in excess.	Do.	
107	Papers regarding grant of certificates of honour.	Two years.	
108	Papers regarding new appointments of Government servants.	Do.	
109	Indents for vernacular lithographed forms.	Do.	
110	Memoranda on inspection of stamp vendors' books.	Do.	

APPENDIX XXXVIII.—(Contd.).

No.	Description of papers.	Length of time for which to be kept.	Remarks.
111	Orders, reports, petitions and statements which obviously appear to be of no permanent value or interest.	Two years.	
112	Correspondence regarding supply of printed forms, registers, stationery, &c.	One year.	
113	Memoranda prepared at the time of transfer of charge of officers.	Do.	
114	Papers regarding sarbarai ...	Do.	
115	Applications, reports and orders regarding leave to ministerial officers, peons, &c.	Do.	
116	Papers relating to departmental examinations.	Do.	
117	Applications for permission to use belts and badges for private peons.	Do.	
118	Papers of enquiry regarding heirs to deceased pensioners.	Do.	
119	Inspection memos of subordinate officers.	Six years.	
120	Applications for licenses to measure grain.	To be destroyed at once.	
121	Papers regarding buildings for Customs Department.	Do.	
122	Old kabūliats from patels in connection with collection, &c., of revenue assessment.	Do.	
123	Security bonds taken from village officers in order to ensure correctness in the village papers.	Do.	
124	Papers regarding dress of village officers.	Do.	
125	Correspondence regarding preparation of maharkī register.	Do.	
126	Papers regarding trade establishments (<i>i.e.</i> , entertainment and abolition).	Do.	

APPENDIX XXXVIII.—(Contd.)

No.	Description of papers.	Length of time for which to be kept.	Remarks.
127	Applications to mortgage <i>watans</i> (old) ...	To be destroyed at once.	
128	Applications for carpenters' <i>hugs</i> (old) ..	Do.	
129	Papers relating to <i>manpan</i> (old) ...	Do.	
130	Applications for permission to adopt (old).	Do.	
131	Applications for <i>ghugry</i> (old) ...	Do.	
132	Applications from zarekar watandars (old).	Do.	

APPENDIX XX&VIII.—(Contd.)

PART III.—*List of Registers maintained or deposited in the offices of the Commissioner and Deputy Commissioners and in Tahsils.*

No.	Description of registers.	Length of time for which to be kept.	Remarks.
Inam Registers.			
1	Register of inam certificates ...	To be kept permanently.	
2	Faisal book or English record of inam enquiry made by the inam investigating officer.	Do.	
3	Inam registers in Tahsils ...	Do.	
4	Register or statement of shares in jagir and inam grants.	Do.	
5	Register of charitable grants ...	Do.	
6	District register of inam certificates ...	Do.	
7	District register of intermediate mutations.	Do.	
8	District register of mutations in inam certificates on and after 1st January 1898.	Do.	
Survey and Settlement Registers.			
9	Measurer's field book ...	Do.	
10	Measurer's pacca book ...	Do.	
11	Classer's field book ...	Do.	
12	Bagait takhta ...	Do.	
13	Pahani sud ...	Do.	
14	Akarband ...	Do.	
15	Wasulbaki.patrak ...	Do.	
16	Faisal book ...	Do.	
17	Inam patrak ...	Do.	
18	Co-sharers' register (Bhagni register) ...	Do.	

APPENDIX XXXVIII.—(Contd).

No.	Description of registers.	Length of time for which to be kept.	Remarks.
Ex-Pargana and Village Officers' Registers.			
19	Register of emoluments paid to patels and patwaris.	To be kept permanently.	
20	Kaifiat or register of enquires into the claims of ex-pargana officers.	Do.	
21	Register of payment of rusums to ex-pargana officers.	Do.	
22	Patelki register ...	Do.	
23	Rotation registers of patels and patwaris.	Do.	
24	Patels' and patwaris' past officiation registers.	Do.	
25	Kamal patrak ...	Do.	
26	Registers (lists) showing villages at which patwaris are to keep vital statistics registers.	To be preserved till revised lists are prepared.	
27	Register of punishments inflicted on patels and patwaris.	Twelve years.	
Revenue Court and Office Registers.			
28	Classwari register of revenue cases ...	To be kept permanently.	
29	Classwari register of miscellaneous cases...	Do.	
30	Register of appeals to Deputy Commissioners and Commissioner.	Do.	
31	Register of execution of orders passed by Revenue Courts.	Do.	

APPENDIX XXXVIII.—(Contd.).

No.	Description of registers.	Length of time for which to be kept.	Remarks.
32	Register in Form B kept under Resident's Judicial Book Circular No. II of 1892 regarding execution of Civil Court decrees.	To be kept permanently.	
33	Register of building sites and rents fixed on them.	Do.	
34	All inward and outward barnavisi registers.		
35	Register of licenses granted to petition-writers.	Do.	
36	Register of recovery of loans under the Land Improvement Loans Act and the Agriculturists' Loans Act.	To be destroyed after the recovery of advances.	
37	Register of suspensions of takavi instalments.	Do.	
38	Register of fines imposed by Revenue Courts.	Twelve years.	
39	Register of cases remanded by higher authorities.	Do.	
40	Register of Court and process fees realized by Revenue Courts.	Six years.	
41	Register of coercive processes issued by Revenue Courts.	Do.	
42	Register of instruments dealt with by the Collector under Chapters III and IV of the Stamp Act.	Three years.	
43	Register of sites granted for quarrying, &c., kept in Tahsils.	Do.	
44	Register of processes issued (Kamgiri register).	Do.	
45	Register of realization of Court fees in pauper suits.	Do.	

APPENDIX XXXVIII.—(Contd)

No.	Description of papers.	Length of time for which to be kept.	Remarks.
46	Register of applications for copies of documents.	Three years.	
47	Cash book of copying fees realized ...	Do.	
48	Book of counterfoils of receipts granted to applicants for copies.	Do.	
49	Book of challans for copying fees ...	Do.	
50	Register of municipal appeals ...	Do.	
51	Register of powers of attorney granted by village officers in favour of their agents.	Two years.	
Excise Registers.			
52	Pass book of opium and ganja ..	Three years.	
53	Register of acknowledgments of receipt of opium passes.	Do.	
54	Register of permits to import opium from Indore.	Do.	
55	Register of permits to transport opium...	Do.	
56	Register of opium confiscated ...	Do.	
57	Register of retail vendors of Foreign liquor.	Do.	
58	Register of passes to import drugs, No. IV.	Do.	
59	Register of deposits of ganja and imported bhang, No. V.	Do.	
60	Register of withdrawals of ganja, No. VI.	Do.	
61	Pass book of drugs deposited in warehouse, No. VII.	Do.	
62	Pass book for the removal of drugs No. VIII.	Do.	
63	Form of application tendering duty. No. IX.	Do.	
64	Register of dues in the warehouse, No. X.	Do.	
65	Register of local bhang destroyed, No. XI.	Do.	
66	Pass for removal of drugs from one warehouse to another, No. XII.	Do.	
67	Abstract register of deposits and withdrawals, &c., No. XIII.	Do.	
68	Register of passes to cover liquor in transit.	Do.	
69	Register of passes granted by the examining officers at Amraoti and Khamgaon.	Do.	
70	Register of passes to cover opium in transit.	Do.	
71	Register of threads ...	Do.	

APPENDIX XXXVIII.—(Contd.)

No.	Description of registers.	Length of time for which to be kept.	Remarks.
Local Fund Registers.			
72	Pay registers or acquittance rolls kept by Local Committees.	To be destroyed at once.	
73	Cash books and ledgers of Local Com- mittees.	Do.	
74	Remark books kept by Local Com- mittees.	Do.	
General Registers.			
75	Register of rainfall ...	To be kept permanently.	
76	Register of pay of jaghias ...	Twelve years.	
77	Register of wholesale and retail prices of food grains.	During the term of settlement.	
78	Wasulbaki register of sale proceeds of mango and mohwa trees.	To be destroyed after recovery of sale proceeds.	
79	Register of permanent advance ...	Three years.	
80	Mouzawar receipt register of land-revenue, Form A.	To be destroyed six years after the revenue is collected in full.	
81	Mouzawar receipt register of fluctuating collections, Form B.	Do.	
82	Register of land-revenue fixed collections within municipal limits.	Do.	
83	Wasulbaki of money recovered in execu- tion cases under Civil Court decrees.	Do.	
84	Register of service stamps used ...	Two years.	
85	Despatch book (post book) ...	Do.	
86	Register of casual leave ...	One year.	

APPENDIX XXXVIII.—(Contd.)

PART IV.—*Reports, Statements and Returns.*

No.	Description of papers.	Length of time for which to be kept.	Remarks.
Inam.			
1	Mouzawar returns of inam lands ...	To be kept permanently.	
2	Inam-statement of village and pargana servants.	Do.	
3	Statements of payments on account of yecomiah grants.	Do.	
4	Kaifiat or statement of jagir villages ...	Do.	
5	List of ante-jagir tenants (old survey papers).	Do.	
Waste Land Rules.			
6	List of grants under the Waste Land Rules.	Do.	
7	List of ante-izara tenants ...	Do.	
Village Officers.			
8	Statements fixing the centres of patwaris' circles.	Do.	
9	Statements of villages where patels and patwaris are working on behalf of Government.	Do.	
General.			
10	Tharaobands with dafas and abstracts prepared therefrom.	Do.	
11	All jamabandi annual returns received in district offices from tahsils.	Do.	
12	District annual reports on the revenue administration together with its appendices.	Do.	
13	Statement showing the number of Government and private trees.	Do.	
14	Statement showing the right of private persons to the produce of trees on Government lands.	Do.	

APPENDIX XXXVIII.—(Contd.).

No.	Description of papers.	Length of time for which to be kept.	Remarks.
15	List of villages in taluks ...	To be kept permanently.	
16	Dafas relating to watandar mahars ...	Do.	
17	Statement showing works of public utility.	Do.	
18	Statement showing income of Melghat Rajas.	Do.	
19	Statement of unclaimed watans ...	Do.	
20	Statement of waste villages ...	Till revised state- ment is made.	
Annual Jamabandi Returns.			
21	Jamabandi statements of occupied fields (mouzawar).	During the term of settlement.	
22	Jamabandi statements for other fields ...	Do.	
23	Return of mutation of names of khatedars and real decrease and increase (mouza- war).	Do.	
24	Statement showing the land, the revenue of which was assigned to individuals and societies (mouzawar).	Do.	
25	Annual crop statement (mouzawar) ...	Do.	
26	Statement giving details of uncultivated occupied lands (mouzawar).	Do.	
27	Statement of land under irrigation (mou- zawar).	Do.	
28	Jamabandi statement or statement of annual settlement of land revenue.	Do.	
Old Jamabandi Returns.			
29	Pahani kharda (memorandum of inspection of fields).	To be destroyed at once.	
30	Laoni patrak or tala lagwan ...	Do.	
31	Pere patrak (crop statement) ...	Do.	
32	Padit patrak (return of unoccupied lands).	Do.	

APPENDIX XXXVIII.—(Contd.).

No.	Description of papers.	Length of time for which to be kept.	Remarks.
33	Faisal patti (fluctuations in collections)...	To be destroyed at once.	
34	Awarja (ledger of each cultivator) ...	Do.	
35	Wasulbaki (prior to survey) ..	Do.	
36	Nazar andaja patrak (guess measurement)	Do.	
37	Nafargat (statement of balances) ..	Do.	
38	Kamavis zadati (statement showing realization of land-revenue).	Do.	
39	Khamzada or khampatrak or sadar patrak.	Do.	
40	Wasalati ...	Do.	
41	Kaifiat of kamjast ..	Do.	
42	Jarib statement ..	Do.	
43	Dasdan patrak (rent rates) ...	Do.	
44	Jama wasulbaki or wasul patrak ...	Do.	
45	Jamin zada ...	Do.	
46	Sud jama wasuli ...	Do.	
47	Kamjasti patrak of bighas ..	Do.	
48	Sadr jama wasulbaki ...	Do.	
49	Tala zadati (abstract of settlement of each village).	Do.	
50	Istawa patrak ...	Do.	
51	Statements of tenants and sub-tenants ..	Do.	
52	Statement showing distribution of land revenue on cultivators.	Do.	
53	Statement of cultivated and waste lands...	Do.	
54	*Statement showing caste of khatedars ...	Do.	
	Forest.		
55	Statement of Government mango and mohwa trees, and the yearly sale of their produce.	Three years.	

APPENDIX XXXVIII.—(Contd).

No.	Description of papers.	Length of time for which to be kept.	Remarks.
56	Statement showing remittances of forest collections to tahsils.	Three years.	
57	Return showing amount of grazing dues...	Do.	
58	Statement showing receipts and issues of forest passes.	Do.	
59	Statements in connection with arboriculture.	Two years.	
60	Old statements of grazing ...	To be destroyed at once.	
Abkari.			
61	Statement showing the number of sindhi trees on Government lands.	To be retained till revised returns are prepared.	
62	Hal and baquaya towji returns of abkari revenue.	Three years.	
63	Statements showing receipts and sale each year of abkari contracts under the several heads of abkari.	Do.	
64	Jama wasulbaki of abkari revenue ...	Do.	
65	Return of breweries ...	Two years.	
66	Periodical returns regarding import and sales, &c., of opium and drugs.	Do.	
67	Statement showing opium in hand of several contractors on 1st April each year.	One year.	
68	Statement regarding opium cultivation ...	To be destroyed at once.	
69	Statement regarding ganja cultivation ...	Do.	
70	Returns of outturn of opium (old) ...	Do.	
Bazars.			
71	Wasulbaki on account of bazar sales ...	One year.	
Medical.			
72	Returns regarding births and deaths ...	Two years.	

APPENDIX XXXVIII.—(Contd.)

No.	Description of cases.	Length of time for which to be kept.	Remarks.
73	Reports or returns regarding deaths from cholera, small-pox, &c.	Two years.	
	Vaccination.		
74	Weekly returns from vaccinators ...	Do.	
	Cattle pounds.		
75	Pay abstracts of pound establishments ...	One year.	
76	Returns showing number of cattle sold and feeding charges recovered.	Do.	
77	Accounts of feeding charges for impounded cattle brought to tahsils.	Do.	
78	Indent for pound registers ...	Do.	
	Local Fund.		
79	File of bills submitted by Local Committees.	To be destroyed at once.	
80	File of estimates submitted by Local Committees.	Do.	
	Miscellaneous.		
81	Annual report on crop experiments ...	During the term of settlement.	
82	Statement showing prices current of food grains (mouzawar).	Do.	
83	Statement of wages of labour ...	Do.	
84	Printed list of agricultural and other returns.	To be retained till revised lists are prepared.	
85	Lists of licensed vendors ...	Do.	
86	Declarations regarding lands held by public servants.	To be preserved so long as the public servant is in service.	
87	Returns of lands taken up for railways in several villages and towns.	To be preserved till revised returns are prepared.	

APPENDIX XXXVIII.—(Contd).

No.	Description of papers.	Length of time for which to be kept.	Remarks.
88	Statement of increases due to revision, settlement and calendar of revenue settlements.	Twelve years.	
89	Return of rainfall ...	Ten years.	
90	Statement of boundary marks out of repair.	Five years.	
91	Return of minerals and gems ...	Three years.	
92	Statements for the General Administration Report, fiscal and agricultural (A to H).	Do.	
93	Returns of agricultural statistics ...	Do.	
94	Returns of mining concessions ...	Do.	
95	Annual return of village expenses ...	Do.	
96	Statement regarding irrecoverable balances of land-revenue and town fund.	Do.	
97	Town fund assessment statements, village-war, and those submitted to the Deputy Commissioner's Office.	Do.	
98	Forecast of cotton, sesamum, wheat and linseed.	Do.	
99	Hal and baquaya towji return of land revenue collections.	Do.	
100	Reports and correspondence relating to charitable funds.	Three years.	
101	Reports on the agricultural condition of taluks and districts.	Do.	
102	Return of stock of food grains (mouzawar).	Do.	
103	Irsalpatti or memorandum accompanying remittances of land-revenue and cesses to tahsils.	Do.	
104	Statement of inspection of village daftars.	Two years.	
105	Annual and monthly returns of cattle disease.	Do.	
106	Annual returns of titles ...	Do.	

APPENDIX XXXVIII.—(Contd).

No.	Description of papers.	Length of time for which to be kept.	Remarks.
107	Annual returns of goods received and sold in fairs.	Two years.	
108	Return of pensioned soldiers in Government employ.	Do.	
109	Return regarding levy of fines and penalties under the Stamp Act.	Do.	
110	Statement under the Cotton Duties Act ..	Do.	
111	Weather and crop reports ...	Do.	
112	Reports from Munsarims or Circle Inspectors on state of crops (discontinued)	To be destroyed at once.	
113	Reports on the condition of trigonometrical stations.	Do.	
114	Diaries of Tahsildars, Munsarims or Circle Inspectors and District Inspectors and also diaries of Assistants.	Do.	
115	Quarterly and annual revenue business statements.	Do.	
116	Quarterly and annual statements of revenue appeals.	Do.	
117	Return of fees realized on account of inspection of public documents.	Do.	
118	Statement of manufactures ..	One year.	
119	Return of persons and number of animals killed by wild beasts and snakes.	Do.	
120	Statement regarding destruction of wild animals.	Do.	
121	Return of agricultural stock and implements.	Do.	
122	Memos from village officers regarding emoluments.	Do.	
123	Office copies of bills for payments to village officers.	Do.	

APPENDIX XXXVIII.—(Concl'd.)

No.	Description of papers.	Length of time for which to be kept.	Remarks.
124	Returns submitted by naka karkuns on trade establishments.	To be destroyed at once.	
125	Statement of baujaras and naikwaris ...	Do.	
126	Reports relating to the state of jagir villages.	Do.	
127	Kaifiats of village officers ...	Do.	

General.

NOTE 1.—Papers and proceedings in revenue cases include proceedings before the Appellate Courts.

NOTE 2.—The periods prescribed above shall be taken to run—

- (1) In cases where an order for execution has been issued, from the date on which the order has been fully executed.
- (2) In cases where no order for execution is required to be issued, from the date of the final order in the case.
- (3) In cases where money has to be realized, from the date on which the money has been recovered in full.
- (4) In cases of takavi advance register and other similar registers in connection with realizations of Government money, from the date on which the advance or money due is fully recovered as per entries in the registers.
- (5) In the case of other registers, from the date of last entry.

APPENDIX XXXIX.*—(Referred to in Rule 367).

Register of Court and Process Fees realized in Revenue Courts.

Serial No.	Date, month and year.	Name of party.	FEES REALIZED.			Remarks.
			Court fee.	Process fee.		
1	2	3	4	5		6
			Rs. a. p.	Rs. a. p.		

* Appendices XXXIX to XLIII were notified with the Rules as required by Section 218 of the Code in the Central Provinces Gazette Notification No. 7494, dated the 20th November 1905. They are inserted here in their proper place and numbered accordingly.

APPENDIX XL.—(Referred to in Rule 368.)

Register of Processes made over for service to Tahsil Peons.

1	2	3	4	5	NAME OF PEON TO WHOM THE PROCESS IS MADE OVER WITH DATE.		8	9	10	Remarks.
Serial No.	Date of issue of process.	Number of case with name of officer issuing the process.	Date of receipt of process in Tahsil.	Nature of process, such as notice, warrant <i>parwana</i> , &c.	Name.	Date.	Date fixed for return of process.	Date of return of process by peon.	Date of return to Revenue Office which issued the process.	
					6	7				11

APPENDIX XLIII.—(Referred to in Rule 403).

Register to be maintained by every petition-writer.

Serial No. of petition.	Date on which petition was written.	Name, parentage, caste and residence of the person at whose instance the petition was written.	Description of petition.	Value of Court-fee label affixed to the petition.	Fees charged for writing the petition.	Signature of petition-writer.	Remarks.
1	2	3	4	5	6	7	8

APPENDIX XLIV.*Form of Warrant of Arrest.*

Section 125 of the Land Revenue Code.

In the Court of the

To

The Tahsildar

Whereas A. B, the occupant of field Survey No. _____, situated at mouza _____, pargana _____ in the Taluk of _____ of the _____ District, has failed to pay Rs. _____ a p. _____, the amount of land-revenue due on the aforesaid field, you are hereby ordered to arrest the said defaulter A. B., and unless the said defaulter shall pay to you the said sum of Rs. _____ together with Rs. _____ for costs for executing this warrant, to bring the said defaulter A. B. before the Court with all convenient speed.

You are further ordered to return this warrant on or before the _____ day of _____ 190_____, with an endorsement certifying the day on and manner in which it has been executed, or the reason why it has not been executed.

Given under my hand and the seal of the Court, this _____ day of _____ 190_____.

Signature.

APPENDIX XLV.*Form of attachment of Moveable Property.*

Section 122 of the Land Revenue Code.

In the Court of the Tahsildar

To

Whereas A. B., the occupant of field Survey No. , situated at mouza
 , pargana in the Taluk of the District,
 has failed to pay Rs. on account of land-revenue due on the aforesaid
 field, you are directed to attach the moveable property belonging to the said
 defaulter A. B., and unless the said defaulter shall pay you the sum of Rs.
 together with Rs. for costs of this attachment, to produce the attached
 property at the Tahsil with all convenient speed.

You are further directed to return the warrant on or before the
 day of 190 . , with an endorsement certifying the day on and manner in
 which it has been executed, or the reason why it has not been executed.

Given under my hand and the seal of the Court, this day of
 190 .

Tahsildar.

APPENDIX XLVI.

Form of Warrant for attachment of Immoveable Property.

Section 123 of the Land Revenue Code.

In the Court of the

To

Whereas A. B., the occupant of field Survey No. _____, situated at mauza _____, pargana _____ in the _____ Taluk of the _____ District, has failed to pay Rs. _____ on account of land-revenue due on the aforesaid field, you are hereby directed to attach the right title and interest of A. B.,—in his immoveable property as per schedule hereto annexed belonging of the said defaulter A. B., and unless the defaulter shall pay you the sum of Rs. _____ together with Rs. _____ for costs of this attachment, to hold the same until further orders of this Court.

You are further directed to return the warrant on or before the _____ day of _____ 190 _____, with an endorsement certifying the day on and manner in which it has been executed, or the reason why it has not been executed.

Given under my hand and the seal of the Court, this _____ day of _____ 190 _____.

Signature.

Schedule of immoveable property.

APPENDIX XLVII.

Form of Proclamation of sale of Attached Property.

Section 134 of the Land Revenue Code.

Whereas the property of A. B., hereinunder specified, has been attached on account of the Government assessment Rs. due by the said A. B., and whereas it is necessary to recover the said amount by sale of the said property, together with all lawful charges and expenses resulting from the said attachment and sale :

Notice is hereby given that on the day of 190 , at
o'clock the Tahsildar (or other person appointed) will at Mouza
pargana in the Taluk in this District, sell by
auction to the highest bidder, and without reserve, the right, title and interest of
the said A. B. in the property hereinunder specified, and every power of disposing
of the same or any of them or of the profits arising therefrom which the
said A. B. may now consistently with the law exercise for his own benefit.

Moveable property.

Lot No.	Number and description of articles.	Where attached.	Where now placed.	When to be viewed.	Whether the sale is subject to confirmation or not.
1	2	3	4	5	6

Immoveable property.

Lot No.	Description of Lot, including local situation, supposed or estimated rent or annual value, and if leased, for how long, on what terms and to whom.	Survey number, municipal number and other fiscal designation.	Government revenue including cesses, any other fiscal charge resting on the lot.	Present occupant.	(Here should be entered any other particulars the Deputy Commissioner may see fit.)
1	2	3	4	5	6

N. B.—No guarantee is given of the title of the said A. B. or of the validity of any of the rights, charges or interests claimed by third parties.

Deputy Commissioner.

APPENDIX XLVIII.

Form of Certificate of Sale of Land.

Section 151 of the Land Revenue Code.

Revenue Case No. of Class

In the Court of the

This is to certify that A. B. has been declared the purchaser at a sale by public auction held on the day of 190 of the property of (here enter name) herein below described situated at mouza , pargana Taluk in the District of , and that the sale has been duly confirmed by the Court.

2. The property was (1) forfeited to Government under Section 56 of the Land Revenue Code for arrears of land revenue (*or rent or otherwise as the case may be*) and sold free of all tenures, incumbrances and rights ; *or*

(2) A. B. has purchased the right, title and interest of C. D. deceased in the said property which was sold under Section 68 of the Land Revenue Code ; *or*

(3) A. B. has purchased the right, title and interest of C. D. in the said property which was sold under Section 123 of the Land Revenue Code for arrears of land revenue (*or rent or otherwise as the case may be*).

Given under my hand and the seal of the Court this day
of 190 ,

Signature.

[*Here enter the full description of the property sold.*]